CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

June 7, 2012 Planning Commission Hearing Agenda Item No. 4

SUBJECT: Airport Area PC Amendment - (PA2011-215)

Newport Place Planned Community Amendment No. PD2011-005

APPLICANT: City of Newport Beach

PLANNER: Melinda Whelan, Assistant Planner

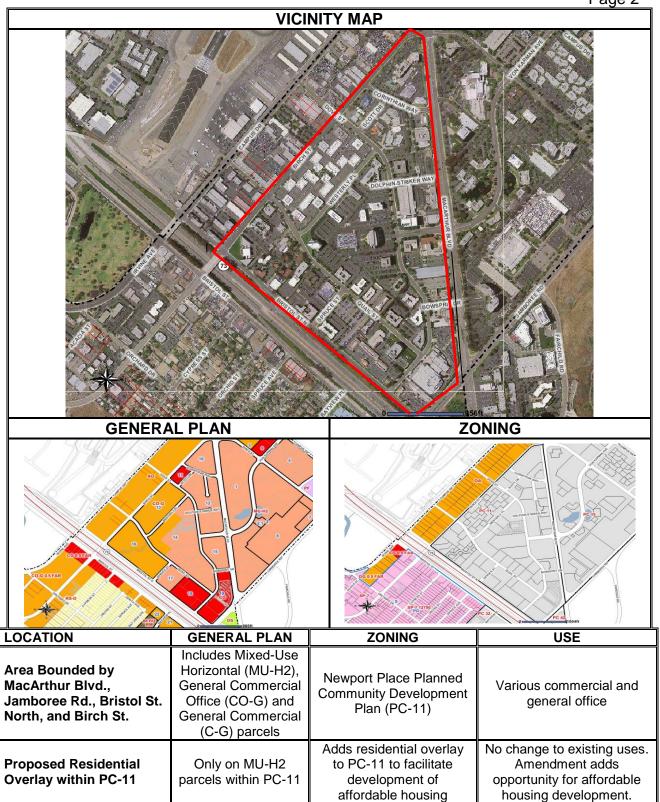
949-644-3221, mwhelan@newportbeachca.gov

PROJECT SUMMARY

Amendment to the Newport Place Planned Community Development Plan (PC-11) to implement Housing Programs 3.2.2 and 3.2.3 found in the 2008-2014 Housing Element. The amendment would permit residential development that includes a minimum of 30 percent of the units affordable to lower-income households with the approval of a Site Development Review. Developments meeting this criteria will also be eligible for a waiver of the minimum 10-acre site area required. The amendment would also establish minimum development regulations including building height, setbacks, and parking requirements.

RECOMMENDATION

- 1) Conduct a public hearing and;
- 2) Adopt the draft resolution recommending City Council adoption of the Newport Place Planned Community Development Plan Amendment (Attachment No. PC 1).



Background

As part of the 2006 comprehensive General Plan update, the Airport Area was identified as a new area for housing opportunities and was designated Mixed-Use Horizontal (MU-H2), which allows for mixed-use and multi-family residential. With its density ranging from 30 to 50 du/acre, the Airport Area was also identified in the 2008-2014 Housing Element as an area to potentially accommodate affordable housing. During review of the 2008-2014 Housing Element, the California Department of Housing and Community Development (HCD) identified two constraints to the development of affordable housing within the Airport Area that needed to be addressed prior to their finding that the Housing Element meets state law requirements.

The first constraint recognized by HCD is General Plan Policy LU 6.15.6 that requires residential neighborhoods in the Airport Area to contain a minimum of ten (10) contiguous acres centered on a neighborhood park and other amenities. To address this constraint, staff worked with HCD to develop a new Housing Element program (HP 3.2.2) requiring the City to create a waiver or exception provision to the minimum 10-acre site requirement for affordable housing projects.

The second constraint identified by HCD relates to the zoning of the sites within the Airport Area. Although the General Plan permits residential development on sites designated mixed-use within the Airport Area, the sites remain zoned only for commercial and industrial land uses by the Koll Center (PC-15) and Newport Place (PC-11) Planned Communities¹. To address this issue, Housing Element program HP 3.2.3 was developed that requires Planned Community text amendments to allow residential developments that include: 1) a minimum of 30 percent of the units affordable to lower-income households; and 2) include densities between 30 du/acre and 50 du/acre consistent with the General Plan land use designation and policies for the Airport Area. Residential developments meeting these requirements will be permitted subject to a Site Development Review (Attachment No. PC 2).

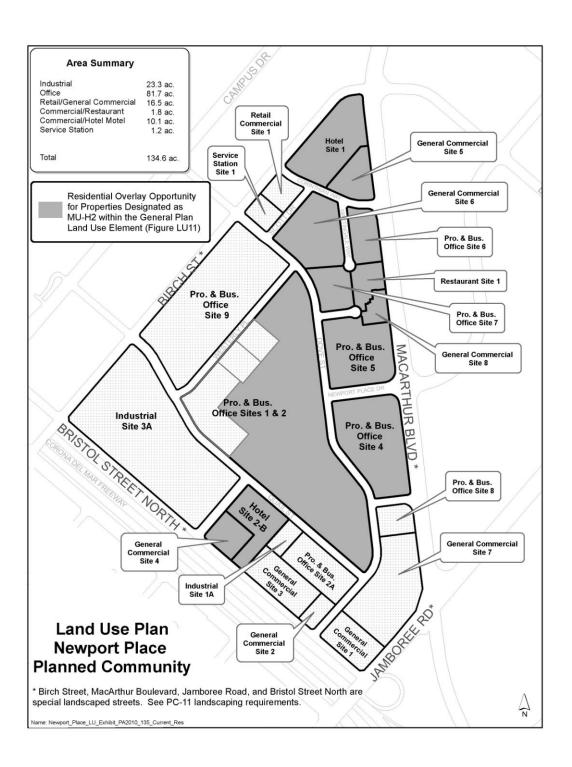
HCD has found the 2008-2014 Housing Element compliant with State Housing Element Law with the adoption of Housing Programs 3.2.2 and 3.2.3 (Attachment No. PC 3) by the City and contingent upon implementation of these new programs.

Newport Place Planned Community

Newport Place is a Planned Community in the Airport Area that was originally designed in the early 1970's with clusters of office parks and industrial uses. The area has evolved with light industrial uses being replaced overtime with commercial support retail and office uses within the original design. The introduction of the MU-H2 land use classification created an opportunity for residential uses. The boundary of PC-11 begins at Macarthur Boulevard extending westerly bounded by Jamboree Road, Bristol Street North, and Birch Street as depicted on the vicinity map. The residential overlay opportunity spans only across parcels that have the General Plan Land Use designation

¹ An Amendment for Koll Center (PC-15) will be processed at a future date.

of MU-H2 as depicted on the map on the next page which is incorporated into the revised PC text.



Newport Place Affordable Housing Amendment

The Amendment creates an opportunity for affordable housing projects to be developed within a new residential overlay but does not remove or change other components of the existing Planned Community text. Additionally, a few minor changes were made throughout the PC-11 text to update references to City Departments. The revised PC-text is found in the draft Resolution as Exhibit "A" (Attachment No. PC 1)

Residential Overlay

The residential overlay provides for the opportunity to develop affordable residential projects. Affordable residential projects that qualify for the residential overlay would be permitted subject to a Site Development Review process per Zoning Code Section 20.52.080. Notwithstanding, the review authority for site development review listed in Table 5-2 of the Newport Beach Zoning Code, the review authority for site development review shall be the Planning Commission regardless the number of dwelling units proposed. A Site Development Review provides a process to ensure consistency with General Plan policies related to the preservation of established community character, and expectations for high quality development and to ensure proper integration of the project with the area. To qualify for the residential overlay projects must provide the following:

- A density 30 to 50 dwelling units per acre.
- A minimum of 30 percent of the units must be affordable to lower-income households for a minimum of 30 years.
- Must meet the basic site development standards of the residential overlay.
- Residential dwellings shall be permitted only as replacement of existing nonresidential uses pursuant to General Plan Policy LU 6.15.5. The number of peak hour trips generated by new development could not exceed the number of trips that result from the existing nonresidential uses.

Residential developments that qualify for the residential overlay are subsequently exempt from General Plan Land Use Policy LU 6.15.6 and have no minimum site area requirement.

Development Standards of Residential Overlay

The existing Planned Community text does not provide residential development standards. The existing PC text allows for a range of heights depending on the site from 50 feet to 167 feet or 9 stories. Staff consulted with affordable housing developers to determine that a height limit of 55 feet is appropriate to facilitate a four-story building that typically can accommodate the 30 to 50 unit per acre density range. The 55-feet may be exceeded with the approval of the Site Development Review if additional findings can be made pursuant to Zoning Code Section 20.30.060 C.3 (Attachment No. PC 4). The Planned Community text does include commercial setback and landscape

Airport Area PC Amendment June 7, 2012 Page 6

standards including special landscaped streets (Jamboree Road, Bristol Street North, Birch Street, and MacArthur Boulevard) which are maintained in the proposed residential overlay to preserve the existing development pattern of the PC.

Staff recommends using the Zoning Code Multiple Residential (RM) standards including additional landscaping, parking and signs where appropriate. There is no floor area limit proposed as development would be limited sufficiently by other development standards. The residential overlay also includes development standards related to projects providing sufficient amenities, integration of projects within the existing PC, and integration of the affordable units within a specific project.

Airport Land Use Commission

Projects requiring Zoning Code amendments including Planned Community amendments that are located within the Airport Environs Land Use Plan (AELUP) Airport Planning Area must be referred to the Orange County Airport Land Use Commission (ALUC) for a determination of consistency with the AELUP prior to adoption by the City. The Airport Land Use Commission is scheduled to review the PC Amendment at the ALUC meeting on June 21, 2012. Staff anticipates ALUC will find the project consistent with AELUP since they reviewed the 2006 General Plan update and the MU-H2 designations were deemed consistent with the ALEUP. Additionally, ALUC found the 2008-2014 Housing Element including programs and implementation consistent with the AELUP. The proposed height limits within the PC text are required to comply with the requirements of Zoning Code Section 20.30.060.E. (Airport Environs Land Use Plan for John Wayne Airport and the Airport Land Use Commission Review Requirements).

Environmental Review

A Negative Declaration (SCH No. 2011091088) was prepared for the 2008-2014 Housing Element, which includes Housing Programs HP3.2.2 and 3.2.3, in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Council Policy K-3. The document was made available for public review and comment during a 30-day review period from September 30 to October 31, 2011 and subsequently adopted by the City Council on November 22, 2011. The document is on file with the Community Development Department. A subsequent negative declaration for the project is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed amendment implements Housing Programs HP3.2.2 and 3.2.3, and does not constitute "substantial changes" that would involve new significant environmental effects or result in the adoption of mitigation measures. Future residential development that could occur pursuant to the proposed amendment would be subject to further site-specific environmental evaluations.

Communications Received

Staff received comments from resident Mr. James Mosher regarding the proposed amendment when it was first scheduled for a public hearing before the Planning Commission on April 19, 2012 (Attachment No. PC 5 provides a link to the staff report). As requested by staff, at the April hearing the Planning Commission tabled the item due to scheduling and noticing issues. Mr. Mosher's comments are found in Attachment No. PC 6 and are addressed below:

- Typographical, numbering and reference errors that were identified have been corrected in the current draft. Please note that the attached draft appears to have spacing and numbering errors due to the underline/strikeout version which is necessary to show the changes. The final PC text will display accurate spacing and numbering.
- 2. The subject amendment is only for the purpose of adding the residential overlay but does not remove or change other components of the existing Planned Community text, other than to update references to City Departments. Therefore, the comments regarding the organization and content in the existing PC text will be noted but these issues are not within the scope of the proposed amendment.
- 3. The reference to the Municipal Operations Department was an error and has been deleted.
- 4. Comments regarding the specifics of possible future affordable housing covenants are not addressed within the proposed PC text. The PC text requires a minimum 30-year affordability covenant be established for projects subject to the proposed provisions. However, the actual affordable housing covenants agreements would be created on a project-by-project basis.

Public Notice

Notice of this hearing was published in the Daily Pilot, posted at City Hall a minimum of 10 days in advance of this hearing consistent with the Municipal Code, mailed to all property owners within PC-11, and to all property owners within the 300' radius of the boundaries of PC-11. The notice was e-mailed to all parties on the housing interest list. Finally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by: Submitted by:

Melinda Whelan **Assistant Planner**

ATTACHMENTS

PC 1	Draft Resolution	including	Exhibit A	Revised PC text

- Housing Programs 3.2.2 and 3.2.3 HCD compliance letter PC 2
- PC 3
- PC 4
- Zoning Code Section 20.30.060C.3.

 4/19/12 Planning Commission Staff Report PC 5
- Mr. Mosher's Comments PC 6

Attachment No. PC 1

Draft Resolution including Exhibit A revised PC text

RESOLUTION NO. ####

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL ADOPTION OF THE NEWPORT PLACE AFFORDABLE HOUSING AMENDMENT (PD2011-005) AUTHORIZING RESIDENTIAL DEVELOPMENT THAT INCORPORATES AFFORDABLE HOUSING. (PA2011-215)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

- 1. The 2006 General Plan identifies several key areas in the City as locations for future housing opportunities, including the Airport Area. Given the allowed densities of between 30 and 50 dwelling units per acre, the Airport Area has also been identified in the City's 2008-2014 Housing Element has having the potential to accommodate the City's Regional Housing Needs Assessment (RHNA) for lower-income households.
- 2. The Department of Housing and Community Development (HCD) reviewed the 2008-2014 Housing Element update and found it in full compliance with State housing element law on December 29, 2011. HCD also identified successful implementation of Housing Element Programs HP 3.2.2 and HP 3.2.3 as necessary to facilitate affordable residential development in the Airport Area.
- 3. The 2008-2014 Housing Element update including Housing Programs HP 3.2.2 and HP 3.2.3 was adopted by City Council on November 22, 2011.
- 4. General Plan Policy LU6.15.6 requires residential neighborhoods in the Airport Area to contain a minimum of ten (10) contiguous acres centered on a neighborhood park and other amenities. Housing Element Program HP3.2.2 requires the City to create a waiver or exception provision to the minimum 10-acre site area requirement of General Plan Land Use Policy 6.15.6 for affordable housing projects.
- 5. Housing Element Program HP3.2.3 requires the City to amend the Newport Place Planned Community (PC-11) text to permit residential developments that include: 1) a minimum of thirty (30) percent of the units affordable to lower-income households; and 2) include densities between 30 du/acre and 50 du/acre consistent with the General Plan land use designation and policies for the Airport Area.
- 6. The Newport Place affordable housing amendment implements Housing Programs HP3.2.2 and 3.2.3 and provides adequate provisions and review to ensure that the policies of the General Plan are implemented appropriately. Additionally, a few minor changes were made throughout the PC-11 text to update references to City Departments.

- 7. The area of land regulated by PC-11 is located within the Airport Area of the City and generally bounded by MacArthur Boulevard, Jamboree Road, Birch Street, and Bristol Street North.
- 8. The subject property is not located within the coastal zone.
- 9. A public hearing was held on June 7, 2012 in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

A Negative Declaration (SCH No. No. 2011091088) was prepared for the 2008-2014 Housing Element, which includes Housing Programs HP3.2.2 and 3.2.3, in accordance with the implementing guidelines of the California Environmental Quality Act (CEQA), State CEQA Guidelines, and City Council Policy K-3. The document was made available for public review and comment during a 30-day review period from September 30 to October 31, 2011 and subsequently adopted by the City Council on November 22, 2011. The document is on file with the Community Development Department. A subsequent negative declaration for the project is not required to be prepared pursuant to CEQA Guidelines Section 15162 because the proposed amendment implements Housing Programs HP3.2.2 and 3.2.3, and does not constitute "substantial changes" that would involve new significant environmental effects or result in the adoption of mitigation measures. Future residential development that could occur pursuant to the proposed amendment would be subject to further site-specific environmental evaluations.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves this Resolution recommending City Council adoption of the Newport Place Affordable Housing Amendment (PD2011-005), as provided in Exhibit A of this resolution, which is attached hereto and incorporated by reference.

PASSED, APPROVED AND ADOPTED THIS 7th DAY OF JUNE, 2012.

AYES:		
NOES:		
ABSTAIN:		
ABSENT:		

		Planning Commission Resolution No Page 3 of 4
3Y:	Michael Toerge, Chairman	
7 1/-		

Fred Ameri, Secretary

EXHIBIT "A"

Revised Newport Place Planned Community Development Plan

Tmplt: 12/15/2011

PLANNED COMMUNITY DEVELOPMENT STANDARDS NEWPORT PLACE

Emkay Development Company, Inc. Newport Beach, California

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ATTACHED EXHIBITS

Exhibit A	Land Use [1,5,8, 37]
Exhibit B	Grading & Roads [1]
Exhibit C	Storm Drain [1]
Exhibit D	Sewer & Water [1]
Exhibit E	Topography [1]
Exhibit F	Traffic Analysis [1]

Planned Community Development Standards for Newport Place

Ordinance No. 1369 adopted by the City of Newport Beach December 21, 1970

Amendment No. 1	Approved on I	December 13, 1971 b	y Resolution .	No. 7572 (A	A-305))
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Amendment No. 2 Approved on June 12, 1972 by Resolution No. 7706 (A-325)

Amendment No. 3 Approved on October 24, 1972 by Resolution No. 7846 (A-341)

Amendment No. 4 Approved on January 8, 1983 by Resolution No. 7901 (A-349)

Amendment No. 5 Approved on July 23, 1973 by Resolution No. 8054 (A-369)

Amendment No. 6 Approved on June 10, 1974 by Resolution No. 8262 (A-429)

Amendment No. 7 Approved on September 8, 1975 by Resolution No. 8588 (A-450)

Amendment No. 8 Approved on February 9, 1976 by Resolution No. 8693 (A-462)

Amendment No. 9 Approved on April 11, 1977 by Resolution No. 9050 (A-488)

Amendment No. 10 Approved on May 23, 1977 by Resolution No. 9091 (A-490)

Amendment No. 11 Approved on April 10, 1978 by Resolution No. 1003 (A-504)

Amendment No. 12 Approved on July 11, 1978 by Resolution No. 9393 (A-510)

Amendment No. 13 Approved on November 27, 1978 by Resolution No. 9472 (A-514)

Amendment No. 14 Approved on June 11, 1979 by Resolution No. 9563 (A-530)

Amendment No. 15 Approved on March 23, 1982 by Resolution No. 10003 (A-560)

Amendment No. 16 Approved on March 26, 1984 by Resolution No. 84-22 (A-604)

Amendment No. 17 Approved on April 23, 1984 by Resolution No. 84-30 (A-597)

Amendment No. 18 Approved on June 25, 1984 by Resolution No. 84-58 (A-607)

Amendment No. 19 Approved on July 23, 1984 by Resolution No. 84-79 (A-608)

Amendment No. 20 Approved on January 12, 1987 by Resolution No. 87-1 (A-637)

Amendment No. 21 Approved on March 9, 1987 by Resolution No. 87-30 (A-638)

Amendment No. 22 Approved on March 14, 1988 by Resolution No. 88-17 (A-658)

Amendment No. 23 Approved on August 14, 1989 by Resolution No. 89-94 (A-684)

Amendment No. 24 Approved on July 22, 1991 by Resolution No. 91-83 (A-740)

Amendment No. 25 Approved on March 9, 1992 by Resolution No. 92-20 (A-749)

Amendment No. 26 Approved on June 8, 1992 by Resolution No. 92-58 (A-745)

Amendment No. 27 Approved on September 13, 1993 by Resolution No. 93-69 (A-783)

Amendment No. 28 Approved on January 22, 1996 by Resolution No. 96-10 (A-833)

Amendment No. 28.1 Approved on September 9, 1996 by Resolution No. 96-78 (A849)

Amendment No. 28.2 Approved on March 24, 1997 by Resolution 97-25 (A858)

Amendment No. 28.3 Approved on July 28, 1997 by Ordinance No. 97-29 (A861)

Amendment No. 29 Approved on June 18, 1998 by Ordinance No. 98-16 (A 875)

Amendment No. 30 Approved on January 11, 1999 by Ordinance No. 98-28 (A-877)

Amendment No. 31 Approved on February 8, 1999 by Ordinance No. 99-4 (A-880)

Amendment No. 32 Approved on April 12, 1999 by Ordinance No. 99-11 (A-883)

Amendment No. 33 Approved on March 26, 2002 by Ordinance No. 2002-6 (PD2001-002)

Amendment No. 34 Approved on June 14, 2005 by Ordinance No. 2005-8 (PD2004-003)

Amendment No. 35 Approved on September 14, 2010 by Ordinance No.2010-16 (PD2010-002)

Amendment No. 36 Approved on October 25, 2011 by Ordinance No. 2011-24 (PD2011-002)

Amendment No. 37 Approved on November 22, 2011 by Ordinance No. 2011-25 (PD2010-007)

<u>Amendment No. 38 Planned Community Text revisions (Ordinance No. 2012</u>-__), adopted <u>Insert Date</u>.

GENERAL NOTES

- 1. The Newport Project, a planned community development is a project of Emkay Development Company, Inc., a subsidiary of Morrison-Knudsen Company, Inc. The area is most appropriate for commercial and light industrial use because of its central location, ideal topography, availability to four freeways, accessibility to two railroads and its relation to the Orange County Airport. Attached drawings indicate land use, grading and roads, storm drains, water and sewer, topography and traffic analysis. This area was also identified in the 2006 General Plan as a key area for future housing opportunities. [38]
- 2. Water within the Planned Community area will be furnished by the City of Newport Beach.
- 3. Sewerage Disposal facilities within the Planned Community area are by the City of Newport Beach.
- 4. Prior to or coincidental with the filing of any tentative map or use permit, the developer shall submit a master plan of drainage to the Director of Public Works.
- 5. The height of all buildings and structures shall comply with FAA criteria.
- 6. Except as otherwise stated in this ordinance, the requirements of the Zoning Code, City of Newport Beach, shall apply.

The contents of this supplemental text notwithstanding, no construction shall be proposed within the boundaries of this Planned Community District except that which shall comply with all provisions of the Building Code and the various mechanical and electrical codes related thereto.

7. <u>Phasing of Development.</u>

1,799,941 sq. ft. of development was existing or under construction as of October 1, 1978. The additional allowable development in the total approved development plan is 566,423 square feet. Any further development subsequent to October 1, 1978, in excess of 30% of the additional allowable development, being 169,927 sq. ft. shall be approved only after it can be demonstrated that adequate traffic facilities will be available to handle that traffic generated by the project at the time of occupancy of the buildings involved. Such demonstration may be made by the presentation of a phasing plan consistent with the Circulation Element of the Newport Beach General Plan. (Phasing Plan approved by City Council March 12, 1979 for all development subject to this regulation.)[13]

DEFINITIONS

Advertising Surface:

The total area of the face of the structure, excluding supports.

Area of Elevation:

Total height and length of a building as projected to a vertical plane.

Building Line:

An imaginary line parallel to the street right-of-way line specifying the closest point from this street right-of-way line that a building structure may be located (except for overhangs, stairs and sunscreens).

Public Safety Area:

A strip of land twenty (20) feet in width and running parallel with street rights-of-way.

Right-of-Way Line:

When reference is made to right-of-way line it shall mean the line which is then established on either the adopted Master Plan of Streets and Highways or the filed Tract Map for Minor Roads as the ultimate right-of-way line for roads or streets.

Side and Front of Corner Lots:

For the purpose of this ordinance, the narrowest frontage of a lot facing the street is the front, and the longest frontage facing the intersecting street is the side, irrespective of the direction in which structures face.

Sign:

Any structure, device or contrivance, electric or non-electric and all parts thereof which are erected or used for advertising purposes upon or within which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind whatsoever is used, placed, posted, tacked, nailed, pasted or otherwise fastened or affixed.

Site Area:

The total land area of the land described in the use or other permit.

Special Landscaped Street:

Special landscaped streets are designated as MacArthur Boulevard, Jamboree Road, Bristol Street North and Birch Street. The landscaping requirements for special landscaped streets and for the remaining streets are described in the following text.

Streets - Dedicated and Private:

Reference to all streets or rights-of-way within this ordinance shall mean dedicated vehicular rights-of-way. In the case of private or non-dedicated streets, a minimum setback from the right-of-way line of said streets of ten (10) feet shall be required for all structures. Except for sidewalks or access drives, this area shall be landscaped according to the setback area standards from dedicated streets herein.

PART I. INDUSTRIAL*

A. <u>Building Sites</u>

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Site 1A 2.0 acres [3, 9]
Site 3A 21.3 acres [2.4].....23.3 acres [9, 35]
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B. Building Area

The following statistics are for information only. Development may include but shall not be limited to the following.

C. Parking (Criteria: 3 spaces/1000 sq. ft. @ 363 sq. ft/space)

Site 1A	102 cars0.9 acres [3, 9]
Site 3A	894 cars 7.5 ac. [2, 4, 14, 33]
	996 cars8.4 ac. [9, 14, 31, 33, 35]

D. <u>Landscaped - Open Space</u>

- * 3.8 acres have been allotted for service stations exclusive of permitted building acres and subject to use permit.
- ** Industrial Site 3A has been reduced by 20,000 sq. ft. with the reduction allocated to the allowable building area for Parcel No. 3 of Resubdivision 529. The allowable building area for Parcel No. 3 of Resubdivision 529 is now 61,162 sq. ft. [14]. Industrial Site 3A was then increased by 1,590 square feet in 2002 [33].

PART II. COMMERCIAL/PROFESSIONAL & BUSINESS OFFICES

A. <u>Building Sites</u>

Site 1 & 2	.38.5 acres ¹
Site 2A	3.9 acres [31]
Site 4	
Site 5	7.4 acres ²
Site 6	1.9 acres
Site 7	2.5 acres
Site 8	1.64 acres
Site 9	<u>16.9 acres [35]</u>
	81.74 acres [20, 35]

B. Building Area

Site 1 & 2	860,884 square feet [5, 14, 17, 30]
Site 2A	109,200 square feet [31]
Site 4	228,214 square feet [32]
Site 5	268,743 square feet [16, 19, 21, 24, 25]
Site 6	42,420 square feet
Site 7	55,860 square feet
Site 8	54,000 square feet [20]
Site 9	<u>288,264</u> square feet [35]
	1,907,585 square feet [21, 30, 31, 32, 33, 35]

The following statistics are for information only. Development may include, but shall not be limited to the following.

C. Typical Building Mix/Site Utilization

Typical site areas for buildings of varying heights are provided for purposes of illustration. Development of any of the Sites indicated may include any number of combinations of building types, characterized by number of stories, within the range of building types indicated for that site.

¹Commercial/Professional and Business Office Site 1 and 2 have been reduced by 36,119 feet with the reduction allocated to the allowed building area for Parcels 1 & 2 of Resubdivision 585. The allowable building area for Parcel 1 & 2 of Resubdivision 585 is now 272,711 square feet. [14]

²If commercial uses are constructed on Commercial/Professional and Business Office Site 5 which are ancillary to and in the same building as office uses, additional development up to a maximum of 294,600 sq. ft. may be developed, so long as office use does not exceed 268,743 sq. ft. [21, 24, 25]

<u>Site 1 & 2</u> 860,884 square feet [5, 14, 17, 30]
a. Two Story 8.42 acres
b. Three Story 5.61 acres
c. Four Story
•
a. 21,0 2001 j
e. Six Story 2.81 acres
<u>Site 2A</u> 109,200 square feet [31]
a. Two Story1.25 acres
b. Three Story0.84 acres
c. Four Story 0.63 acres
d. Five Story 0.51 acres
•
<u>Site 4</u> 228,214 square feet [32]
a. Two Story2.31 acres
b. Three Story 1.54 acres
c. Four Story 1.15 acres
d. Five Story0.92 acres
e. Six Story
c. bix bioly
<u>Site 5</u> 268,743 square feet [16, 19, 21, 25]
a. Two Story1.90 acres
b. Three Story1.27 acres
c. Four Story0.95 acres
d. Five Story0 76 acres
e. Six Story0.63 acres
f. Nine Story0.50 acres
<u>Site 6</u> 42,420 square feet
<u>5110 0</u> 12, 120 3quate 1000
a. Two Story0.49 acres
b. Three Story 0.32 acres
c. Four Story 0.24 acres
d. Five Story0.19 acres
e. Six Story 0.16 acres
<u>Site 7</u> 55,860 square feet
a. Two Story 0.64 acres
b. Three Story 0.43 acres
c. Four Story0.32 acres
d. Five Story0.26 acres
e. Six Story0.21 acres

	<u>Site 8</u> 54,000 square feet [20]				
	a. Four Story0.30 acres				
	<u>Site 9</u> 288,264 square feet [35]				
	a. Two Story				
D.	D. Parking (Criteria: 1 space/225 sq. ft. @ 363 sq. ft/space)				
	Site 1 & 2				
E.	E. Landscaped - Open Space				
	Site 1 & 2 [5,14]	Gross Site 38.5 acres Parking27.17 acres Net			
	Site 2A [31]	Two Story8.42 acres2.91 acres Three Story5.61 acres5.72 acres Four Story4.21 acres7.12 acres Five Story3.37 acres7.96 acres Six Story2.81 acres8.52 acres Gross Site3.9 acres Parking1.26 acres			
		Net 2.68 acres Two Story 1.25 acres 1.43 acres Three Story .84 acres 1.84 acres			

Includes surface parking and first floor of existing parking structure only, does not include upper levels of parking structure. [31].

	Four Story63 acres 2.05 acres Five Story51 acres 2.17 acres
<u>Site 4</u> [32]	Gross Site 9.00 acres Parking .7.54 acres Net 1.46 acres
	Two Story2.31 acres N/A Three Story1.54 acres0.01 acres Four Story1.15 acres0.40 acres Five Story0.92 acres0.63 acres Six Story0.77 acres0.78 acres
<u>Site 5</u>	Gross Site7.4 acres Parking6.13 acres Net1.27 acres
	Two Story1.90 acres N/A Three Story1.27 acres00 acres Four Story0.95 acres0.32 acres Five Story0.76 acres0.51 acres Six Story0.63 acres0.64 acres Nine Story0.50 acres0.77 acres [21]
Site 6	Gross Site1.90 acres Parking <u>1.57 acres</u> Net0.33 acres
	Two Story
<u>Site 7</u>	Gross Site2.50 acres Parking2.07 acres Net0.43 acres
	Two Story
<u>Site 8</u>	Gross Site1.64 acres Parking1.34 acres

<u>Site 9</u> [35] Gross Site.....16.90 acres

Parking......10.68 acres

Net..... 6.22 acres

Two Story.3.31 acres.2.91 acresThree Story.2.21 acres.4.01 acresFour Story.1.65 acres.4.57 acresFive Story.1.32 acres.4.90 acresSix Story.1.10 acres.5.12 acres

F. Building Height [5, 12, 15, 21, 31]

Maximum building height shall not exceed six (6) stories above ground level except for Parcel No. 1 of Resubdivision No. 585 which shall have a maximum building height of ten (10) stories above ground level, for Parcel No. 2 of Resubdivision No. 585 which shall have a maximum building height of seven (7) stories above ground level, and for Site 5 which shall have a maximum of nine (9) stories/167 feet above ground level. Maximum building height for Professional & Business Office Site 2A shall not exceed 95 feet above ground level.

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PART II RETAIL COMMERCIAL/PERMITTED USES - Part II, Section II, Group II.E

A. <u>Building Sites</u>			
	Site 1	1.4	acres

The following statistics are for information only. Development may include but shall not be limited to the following.

B. <u>Building Area</u>

Site 1.....10,000 sq. ft. .22 acres

C. Parking (Criteria: 5/spaces/1000 sq. ft.@ 363 sq. ft./ space)

Site 1......50 cars .41 acres

D. <u>Landscaped - Open Space</u>

Site 1 .77 acres

E. Building Height

Building height of structures shall be limited to a height of thirty-five (35) feet.

PART II COMMERCIAL/RESTAURANTS

A. <u>Building Sites</u>

The following statistics are for information only. Development may include but shall not be limited to the following.

B. Building Area

C. Parking (Criteria: 300 occupants/10,000 sq. ft.)

1 space/3 occupants 363 sq. ft./space

Restaurant Site 1 and General Commercial Site 8 have shared parking arrangements per the 1972 Reciprocal Parking & Management Agreement [37]

D. Landscaped - Open Space

E. Building Height

Building height of structures shall be limited to a height of thirty-five (35) feet.

PART II COMMERCIAL/HOTEL & MOTEL

A. <u>Building Site [26,31]</u>

Site 1 - 6.35 acres Site 2B - <u>3.7</u> acres [31] 10.05 acres [31]

B. <u>Hotel Room Limit</u> [18,25,31]

Site 1 - 349 rooms¹ Site 2B - 256 rooms [31, 37]

The following statistics are for information only. Development may include but shall not be limited to the following.

C. <u>Building Area (Site 1 - 349 units @ 400 sq.ft./unit)</u> (<u>Site 2B - 256 units @ 517 net sq. ft./unit</u>).[18, 25, 31, 37]

Site 1 - 3.2 acres - 3.2 acres Site 2B - 3.0 acres (total enclosed area is 4.5 acres)

D. Parking (Criteria: 1 space/unit @ 363 sq. ft./space)[18, 26, 31, 37]

Site 1 - 349 parking spaces - 2.9 acres Site 2B - 128 parking spaces² 2.5 acres (total)

E. Landscaping - Open Space [18]

1

¹Use permits approved as of November 14, 1983, allow 468 hotel rooms with related restaurant, conference area, and other support facilities. Hotel suites included as part of the hotel room count may be converted to standard hotel rooms consistent with the specified hotel room limit, so long as the approved site plan is maintained. Location and size of restaurant, conference area, and other support facilities may also be revised if the plans meet the intent of the approved site plan and other conditions of approval. [1, 18]

² Based on one space/2 guest rooms per Page 20.66-8, Off-Street Parking and Loading Requirements, of the City of Newport Beach Planning and Zoning Code. [31]

The following is intended to show some of the variations possible.

Site 1

One Story Development	-	0.92 acres
Two Story Development	-	2.98 acres
Three Story Development	-	3.67 acres
Four Story Development	-	4.02 acres
Five Story Development	-	4.22 acres
Six Story Development		4.36 acres
Seven Story Development	-	4.46 acres
Eight Story Development	-	4.53 acres
Nine Story Development	-	4.59 acres
Ten Story Development	-	4.64 acres
Eleven Story Development	-	4.67 acres
Twelve Story Development	-	4.71 acres
Thirteen Story Development	-	4.73 acres

The above analysis does not include support facilities utilized in many hotel operations. These facilities would also require parking not reflected in the parking requirement criteria.

F. Building Height [31]

Building height on Site 2B shall not exceed 60 feet. [31]

PART II GENERAL COMMERCIAL PERMITTED USES [8, 9]

Part II, Section II, Group II A & F

A. General Commercial Building Sites [8, 26, 28.3, 31, 37]

```
Site 1 -
                3.0 acres
Site 2 -
                1.0 acres [9]
Site 3 -
                3.9 acres [9]
Site 4 -
                2.0 acres [9]
                2.45 acres<sup>5</sup> [26]
Site 5 -
                5.8 acres [25, 28.3]
Site 6
Site 7
                8.2 acres
                1.11 acres [37]
Site 8
                27.46 acres [37]
```

B. <u>Building Area [26, 27, 28.3, 37]</u>

Site 1 -	35,000 sq. ft	0.80 acres
Site 2^1 -	11,700 sq. ft	0.27 acres [9]
Site 3^2 -	49,380 sq. ft	1.13 acres [27]
Site 4^3 -	20,870 sq. ft.[19]-	0.57 acres [9]
Site 5^1 -	31,362 sq. ft	0.72 acres [26]
Site 6	50,000 sq. ft	1.14 acres [28.3]
Site 7	140,720 sq. ft.	3.23 acres [37]
Site 8	12,351 sq. ft. ¹¹ [37]	<u>0.28 acres</u> [37]
	350,163 sq. ft.[37]	8.14 acres [26, 27, 28.3, 37]

A recorded reciprocal easement shall be provided for ingress, egress and parking for mutual benefit between Hotel Site 1 and General Commercial Site 5.

Restaurants are permitted uses in Sites 1, 2, 3, 5 and 6, subject to a use permit. [9, 23, 26, 27, 28.3]

⁷ Ibid

If the development of General Commercial Site 4 is limited solely to Professional and Business Office use, then the allowable Building Area shall not exceed 30,000 sq. ft. (19)

⁹ Restaurants are permitted uses in Sites 1,2,3,5

¹⁰ 257 surface parking spaces; minimum 100 parking spaces in parking structure

Of 12,351 square feet, 5,000 square feet shall be allocated for food service uses and 7,351 square feet shall be allocated for general commercial uses. [37]

The following statistics are for information only. Development may include, but shall not be limited to the following. [8]

D. Parking (Criteria 4 spaces/1,000 sq.ft. @ 363 sq.ft./space [9, 26, 28.3]

```
Site 1 -
                140 cars
                                         1.17 acres
Site 2 -
                 47 cars
                                         0.39 acres
Site 3 -
                193 cars
                                         1.61 acres
Site 4 -
                100 cars
                                         0.83 acres
Site 5 -
                167 cars
                                         1.39 acres
Site 6 -
                250 cars
                                         2.08 acres
                                         2.94 acres<sup>10</sup> [37]
Site 7 -
                353 cars
                81 cars <sup>12</sup>
                                         0.54 acres [37]
Site 8 -
                                         10.95 acres
```

E. <u>Landscaping - Open Space</u> [9, 26, 28.3]

```
Site 1
                                       1.03 acres
Site 2
                                       0.34 acres
Site 3
                                       1.18 acres
Site 4
                                       0.60 acres
Site 5 (1 & 2 story)
                                       0.24 acres
Site 6
                                       2.58 acres
Site 7
                                       2.14 acres
Site 8
                                       0.24 acres [37]
                         Sub Total
                                       8.35 acres [37]
Site 5 (3 story)
                                       0.49 acres
                                       8.84 acres [37]
                         Sub Total
Site 5 (4 story)
                                       0.75 acres
                                       9.59 acres [37]
                      Grand Total
```

F. <u>Building Height</u> [8, 9, 26, 31, 28.3, 37]

Building height of structures on General Commercial Site 1, 2, 3, 4, 6, and 8 shall be limited to a height of thirty-five (35 ft.) and on General Commercial Site 5 shall be limited to a height of fifty feet (50 ft.). Height of buildings on Site 7 shall be limited to fifty-five (55) feet except that the vertical projection of a building element intended to provide architectural interest and/or integrate the project identification sign and not for occupancy may be up to seventy-five (75) feet in height.

¹²65 on-site spaces and 16 off-site spaces [37]

PART II COMMERCIAL/SERVICE STATION**

A. Building Site

Site 1 - 1.2 acres - 1.2 acres

STATISTICAL ANALYSIS

PART III RESIDENTIAL

A. Building Sites

For the purposes of this statistical analysis, 74.43 acres of commercial and industrial sites may be utilized for multi-unit residential development as identified within the Residential Overlay. This acreage is for statistical purposes only. The multi-unit residential site size shall be determined at the time a site development review is approved.

H

PART I. INDUSTRIAL

Section I. Minimum Site Area

A. Thirty Thousand (30,000) square feet.

B. Exception: [11]

The Planning Commission may authorize an exception to the minimum site area. Application for any such exception shall be made at the time of the filing of a tentative map by the applicant. In order for an exception to be granted, the Planning Commission shall find the following facts with respect thereto:

- 1. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.
- 2. That the development considerations and intent of this Planned Community Development Standards are substantially met.

Section II. Permitted Uses

Group I. Light Industrial

- A. To allow uses primarily engaged in research activities, provided that such activities are confined within a building or buildings that do not contribute excess noise, dust, smoke, vibration, odor, toxic, or noxious matter to the surrounding environment nor contain a high hazard potential, due to the matter of the product material or processes involved. Such activities may include but shall not be limited to research laboratories and facilities, developmental laboratories and facilities and compatible light manufacturing related to the following list of examples:
 - Bio-Chemical
 Chemical
 Film and Photography
 Medical and Dental
 Metallurgy
 Pharmaceutical
 X-Ray

**Reference Page 4, Part I, Item D.

2. Manufacture, research assembly, testing and repair of components, devices, equipment and systems and parts and components such as but not limited to the following list of examples:

Coils, Tubes, Semi-Conductors

Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems, Guidance Equipment and Systems

Data Processing Equipment and Systems

Glass Edging, Beveling, and Silvering

Graphics, Art Equipment

Metering Instruments

Optical Devices, Equipment and Systems

Phonographs, Audio Units, Radio Equipment and Television Equipment

Photographic Equipment

Radar, infra-red and Ultra-Violet Equipment and Systems

Scientific and Mechanical Instruments

Testing Equipment

- B. To allow the location of offices and areas associated with and accessory to the permitted uses listed under A.
 - 1. Administrative, professional and business offices.
 - 2. Regional or home offices of industries which are limited to a single use.
 - 3. Blueprinting, Photostatting, photo engraving, printing, publishing and bookbinding, provided that no on-site commercial services is associated with said uses.

- 4. Cafeteria, cafe, restaurant or auditorium.
- 5. Service stations will be permitted, subject to a use permit provided that no on-site commercial service is associated with said uses.
- * & **6. (Transferred to Part II Commercial, Section II, Group I) [28.2, 35]
 - C. Service stations subject to a use permit.

Group II. Medium Industrial and Industrial Service and Support Facilities.

- A. To allow the location of general manufacturing activities, provided that such activities are confined within a building or buildings and do not contribute excessive noise, dust, smoke, vibration, odor, toxic or noxious matter to the surrounding environment nor contain a high hazard potential due to the nature of the products, material or processes involved.
 - 1. Manufacture and/or assembly of the following or similar products:

Aircraft and Related Components

Clocks and Watches

Coffins

Ceramic Products

Concrete Products

Electrical Appliances

Farm Equipment

Heating & Ventilating Equipment

Linoleum

Machinery & Machine Tools

Musical Instruments

Neon Signs

Novelties

Oil Well Valves & Repairs

Optical Goods

Refrigeration

Screw Machine Products

Sheet Metal Products

Shoes

Silk Screens

Sporting Goods

Springs

Stencils

Toys

Trailers

Trucks

2. The manufacture of products or products made from the following or similar materials:

Aluminum Iron Bags, except Burlap Bags or Linoleum

Sacks Matches **Batteries** Mattresses Boxes, Paper Paper **Brass** Steel Cans Tin Copper **Tools** Glass Wool **Grinding Wheels** Yarn

3. The manufacturing, compounding, processing or treatment of the following or similar items:

Acids, Non-Corrosive Lubricating Oil Candles Pharmaceutical

Cigarettes & Cigars Products
Detergents Plastics
Disinfectants Toiletries

Dye Vitamin Products
Food Products Waxes and Polishes

4. Woodworking Shops, such as: (Provided that, if a planer, router, sticker or moulder is maintained, all doors and windows in the outside walls of the room in which said machinery is located shall be kept closed while said machinery is in use.)

Box

Furniture

Wood Products

- 5. Distribution and Warehousing Plants
- B. To allow the location of general manufacturing activities, service industry and activities related to contractor and construction industry, provided that such activities are confined within a building or buildings and do not contribute excessive noise, dust, smoke, vibration, odor, toxic or noxious matter to the surrounding environment nor contain a high hazard potential due to the nature of the products, materials or processes involved.
 - Service industries or those industries providing a service as opposed to the manufacture of a specific product, such as the repair and maintenance of appliances or component parts, tooling, printers, testing shops, small machine shops, shops engaged in the repair, maintenance and servicing of items excluding automobile repair, providing that such industries are not the point of customer delivery or collection.

- 2. Contractor and construction industries relating to building industry, such as general contractors, electrical contractors, plumbing contractors.
- C. To allow a combination of general industry, business and professional offices, and industrial support activities, provided that such activities are confined within a building or buildings, and do not contribute excessive noise, dust, smoke, vibration, odor, toxic or noxious matter to the surrounding environment nor contain a high hazard potential due to the nature of the products, materials or processes involved.

The industrial support activities shall be defined as and limited to the sale of products or services relating only to the immediate industrial complex. Any activity, which could be classified as retail commercial, shall be restricted to activities strictly accessory and/or supplementary to the industrial community.

- 1. All uses permitted under A, B, and D.
 - a. Business and Professional Offices.
 - b. Industrial Support Facilities, to include activities limited to the sale of products or services related to only the industrial complex. Activities of a commercial nature shall be restricted in scope so as to service and to be accessory and/or supplementary to the industrial complex.
 - c. Service stations subject to a use permit.
- 2. Except as herein indicated, the General Development Standards for Industry shall apply.
 - a. Sign Area

Industry Support Facilities and Business and Professional Offices.

Only one (1) facia mounted identification sign shall be permitted per street frontage for each individual business or office.

No sign shall exceed an area equal to one and one-half (1-1/2) square feet of sign for each one (1) foot of lineal frontage of the building or store. However, no sign shall exceed two hundred (200) square feet in area per face.

b. <u>Site Identification Ground Sign</u>

One (1) site identification sign listing only the name of the site or major tenant on the site shall be allowed. Said sign shall be limited to a maximum height of four (4) feet and a width of eight (8) feet and may be double faced.

c. <u>Pedestrian Access</u>

It is required of all developments in the industrial support facility area to submit a plan of pedestrian access to the Planning Department Division prior to the issuance of building permits. Said plan will detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right of way, if such walkways are proposed or necessary.

D. To allow for the location of a storage facility for new car inventory. Located within Industrial Site 1A between Quail Street on the east, adjacent to Auto Center Sites 2A and 2B on the south, and Bristol Street on the west This use shall be subject to a use permit. [3]

D. (Deleted)[2,4]

Section III. General Development Standards for Industry

Maximum building areas shall be as noted in the Statistical Analysis, Part I.A and Part I.B.

A. Building Height [22]

Building heights of structures shall be limited to a height of thirty-five (35) feet; provided, however, that on Parcel 1 and Parcel 2 of Parcel Map 86-33-34 (Resubdivision No. 529) in Industrial Site 3A, the Planning Commission or the City Council on review or appeal may approve a structure up to a maximum height of 50 feet after the approval of a use permit.

The Planning Commission or City Council in granting any use permit for structures in excess of thirty-five (35) feet shall find that each of the following four points have been complied with:

- (a) The increased building height would result in more public visual open space and views than is required by the basic height limit. Particular attention shall be given to the location of the structure on the lot, the percentage of ground cover, and the treatment of all setback and open areas.
- (b) The increased building height would result in a more desirable architectural treatment of the building and a stronger and more appealing visual character of the area than is required by the basic height limit.
- (c) The increased building height would not result in undesirable or abrupt scale relationships being created between the structure and existing developments or public spaces. Particular attention shall be given to the total bulk of the structure including both horizontal and vertical dimensions.

(d) The structure shall have no more floor area than could have been achieved without the use permit. [22]

B. Setbacks

All setbacks shall be measured from the property line. For the purpose of this ordinance, a street side property line is that line created by the ultimate right-of-way line of the frontage street.

1. Front Yard Setback

Thirty (30) feet minimum, except that unsupported roofs or sunscreens may project six (6) feet into the setback area.

2. Side Yard Setback

Ten (10) feet, except that unsupported roofs and sunscreens may project three (3) feet into the setback area.

In the case of a corner lot, the street side setback shall be thirty (30) feet, except that unsupported roofs and sunscreens may project six (6) feet into the setback area. Interior lot lines for a corner lot shall be considered side lot lines.

3. Rear Yard Setback

No rear yard setback is required except on a through-lot in which case the required front yard setback shall be observed.

C. Site Coverage

Maximum building coverage of fifty (50) percent is allowed. Parking structures shall not be calculated as building area, however, said structures shall be used only for the parking of company vehicles, employee's vehicles, or vehicles belonging to persons visiting the subject firm.

D. Signs

1. Sign Area

Only one (1) single faced or double-faced signs shall be permitted per street frontage. No sign or combination of signs shall exceed one (1) square foot in area for each six-hundred (600) square feet of total site area. However, no sign shall exceed two hundred (200) square feet in area per face. An additional twenty (20) square feet shall be allowed for each additional business conducted on the site.

2. <u>Sale or Lease Sign</u>

A sign, advertising the sale, lease, or hire of the site shall be permitted in addition to the other signs listed in this section. Said sign shall not exceed a maximum area of thirty-two (32) square feet.

3. Ground Sign

All ground signs shall not exceed four (4) feet above grade in vertical height. Also, ground signs in excess of one-hundred fifty (150) square feet in area (single face) shall not be erected in the first twenty (20) feet, as measured from the property line, of any street side setback area. However, the above standards shall not apply to the Community Directional Sign and Special Purpose Sign.

4. <u>Special Purpose Sign</u>

Signs used to give directions to traffic or pedestrians or give instructions as to special conditions shall not exceed a total of six (6) square feet (single face) in area and shall be permitted in addition to the other signs listed in this section.

5. Wall Signs

Wall signs shall not comprise more than ten (10) percent of the area of the elevation upon which the sign is located. Said signs shall be fixture signs; signs painted directly on the surface of the wall shall not be permitted.

In the instance of a multiple tenancy building, each individual industry may have a wall sign over the entrance to identify the industry. Said sign shall give only the name of the company and shall be limited to four (4) inch high letters. Said sign must be oriented toward the parking area for that building.

6. Construction Sign

One (1) construction sign denoting the architects, engineers, contractor, and other related subjects, shall be permitted upon the commencement of construction. Said sign shall conform with the requirements of Item 3 above, Ground Sign, and will be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy, or the tenant is occupying said building(s), whichever occurs first.

7. <u>Future Tenant Identification Sign</u>

A sign listing the name of the future tenant, responsible agent or realtor, and identification of the industrial complex shall be permitted. Said sign shall conform with the requirements of Item 3 above, Ground Sign, and will be permitted until such time as a final inspection of the building(s) designates said structure(s) fit for occupancy or tenant is occupying said building(s), whichever occurs first.

8. <u>Community Directional and/or Identification Sign</u>

Permanent directional and identification signs, not exceeding two-hundred fifty (250) square feet (single face), shall be permitted but subject to use permit.

E. <u>Sign Standards</u>

- 1. Signs visible from the exterior of any building may be lighted, but no signs or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink or move in any animated fashion.
- 2. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products or sold thereon.
- 3. A wall sign with the individual letters applied directly shall be measured by a rectangle around the outside of the lettering and/or the pictorial symbol and calculating the area enclosed by such line.
- 4. All signs attached to the building shall be flush mounted.

F. Parking

Adequate off-street parking shall be provided to accommodate all parking needs for the site. The intent is to eliminate the need for any on-street parking.

Required off-street parking shall be provided on the site of the use served, or on a contiguous site or within three hundred (300) feet of the subject site. Where parking is provided on other than the site concerned, a recorded document shall be approved by the City Attorney and filed with the Building and Planning Departments Divisions and signed by the owners of the alternate site stipulating to the permanent reservation of use of the site for said parking.

The following guide shall be used to determine parking requirements:

Office

One (1) space for each 225 square feet of net floor area. The parking requirement may be lowered to one (1) space for each 250 square feet of net floor area upon review and approval of the modification committee.

Manufacture, Research and Assembly

Two (2) parking spaces for each three (3) employees, but in no event less than three (3) spaces for each one thousand (1000) square feet of gross floor area.

Warehouse

Two (2) parking spaces for each three (3) employees, but in no event less than one (1) space for each one thousand (1000) square feet of gross floor area for the first twenty thousand (20,000) square feet; one (1) space for each two thousand (2,000) square feet of gross floor area for the second twenty thousand (20,000) square feet; one (1) space for each four thousand (4,000) square feet of gross floor area for areas in excess of the initial forty thousand (40,000) square feet of floor area of the building.

If there is more than one shift, the number of employees on the largest shift shall be used in determining parking requirements.

G. Landscaping

Detailed landscaping and irrigation plans, prepared by a landscaping architect, licensed contractor of architect shall be submitted to and approved by the Planning Community Development Director prior to issuing of building permit and installed prior to issue of Certificate of Use and Occupancy.

All landscaping referred to in this section shall be maintained in a neat and orderly fashion.

1. Front Yard Setback Area

a. General Statement

Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner.

b. Special Landscaped Street

The entire area between the curb and the building setback line shall be landscaped, except for any access driveway in said area.

c. Other Streets

The entire area between the curb and a point ten (10) feet in back of the front property line shall be landscaped, except for any access driveway in said area.

2. Side and Rear Yard Setback Area

a. General Statement

All unpaved areas not utilized for parking and storage, shall be landscaped utilizing ground cover and/or shrub and tree materials.

b. Undeveloped Areas

Undeveloped areas proposed for future expansion shall be maintained in a weed free condition but need not be landscaped.

c. Screening

Areas used for parking shall be landscaped and/or fenced in such a manner as to interrupt or screen said areas from view from access streets, freeways, and adjacent properties. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and/or trees.

3. Parking Areas

Trees, equal in number to one (1) per each five (5) parking stalls shall be provided in the parking area.

4. Sloped Banks

All sloped banks greater than 5-1 or 6 feet in vertical height and adjacent to public right-of-way shall be stabilized, planted and irrigated in accordance with plans submitted and approved by Community Development Director.

H. Loading Areas

- 1. On other than special landscaped streets street side loading shall be allowed provided the loading dock is set back a minimum of seventy (70) feet from
- 1. the street right-of_way line or one hundred ten (110) from the street centerline, whichever is greater. Said loading area must be screened from view from adjacent streets.

I. Storage Areas

- 1. All outdoor storage shall be visually screened from access streets, freeways, and adjacent property. Said screening shall form a complete opaque screen up to a point eight (8) feet in vertical height but need not be opaque above that point.
- 2. Outdoor storage shall be meant to include all company owned and operated motor vehicles, with the exception of passenger vehicles.
- 2.3. No storage shall be permitted between a frontage street and the building line.

J. Refuse Collection Areas

- 1. All outdoor refuse collection areas shall be visually screened from access streets, freeways, and adjacent property by a complete opaque screen.
- 3.2. No refuse collection areas shall be permitted between a frontage street and the building line.

K. <u>Telephone and Electrical Service</u>

All "on-site" electrical lines (excluding lines in excess of 12 KV) and telephone lines shall be placed underground. Transformers or terminal equipment shall be visually screened from view from streets and adjacent properties.

L. Sidewalks

The requirement for sidewalks in the Planned Community District may be waived by the <u>Planning Community Development</u> Director if it is demonstrated that such facilities are not needed. However, the City retains the right to require installations of sidewalks if, in the future, a need is established by the City.

M. Nuisances

No portion of the property shall be used is such a manner as to create a nuisance to adjacent sites, such as but not limited to vibration, sound, electro-mechanical

disturbance and radiation, electro-magnetic disturbance, radiation, air or water pollution, dust, emission of odorous, toxic or noxious matter.

PART II. COMMERCIAL

Section I. Minimum Site Area

A. Thirty Thousand (30,000) square feet

B. Exception: [11]

The Planning Commission may authorize an exception to the minimum site area. Application for any such exception shall be made at the time of the filing of a tentative map by the applicant. In order for an exception to be granted, the Planning Commission shall find the following facts with respect thereto:

- 1. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity.
- 2. That the development considerations and intent of this Planned Community Development Standards are substantially met.

Section II. Permitted Uses

Group I. Professional and Business Offices.

To allow the location of commercial activities engaged in the sale of products or services relating to and supporting the Development Plan, provided that such activities are confined within a building or buildings.

A. Professional Offices

- 1. Accountants
- 2. Attorneys
- 3. Doctors, dentists, optometrists, oculists, chiropractors and others licensed by the State of California to practice the healing arts.
- 4. Engineers, architects, surveyors and planners.
- 5. Any other general professional offices. [30]

B. Business Offices

- 1. Advertising agencies
- 2. Banks
- 3. Economic consultants
- 4. Employment agencies
- 5. Escrow offices
- 6. Insurance agencies
- 7. Laboratories:
 - a. Dental

- b. Medical
- c. X-Ray
- d. Biochemical
- e. Film, wholesale only
- f. Optometrical
- 8. Stock Brokers
- 9. Studios for interior decorators, photographers, artists and draftsmen.
- 10. Telephone answering services
- 11. Tourist information and travel agencies and ticket reservation services but not to include any airline terminal services or facilities for the transport of passengers, baggage or freight. [2]
- 12. Business and trade schools subject to the approval of a <u>Director's Minor</u> Use Permit [29]
- 13. Any other general business offices. [31]
- * & ** 14. Remedial driving instruction and counseling facility, subject to a use permit in each case. [28.2, 35]
 - *This use shall be limited to Professional and Business Offices Site 9 only. [28.2, 35]
 - **That all uses, including remedial driving instruction/counseling facilities, located within Professional and Business Offices Site 9 shall be limited to providing services to adult clientele only, any use dedicated to serving school aged and minor children shall be prohibited.[28.2,35]

C. <u>Support Commercial</u> [21]

- 1. Retail sales and services, so long as said retail sales are of a convenience nature ancillary to the operation and use of office facilities including tobacco stores, card shops, confectionery and newspaper stands, and other uses which, in the opinion of the Planning Commission are of a similar nature. Retail uses shall be located in the basement or on the first floor of a building. Storage for such uses shall be within a building.
- 2. Service uses which are for building tenants and patrons, such as a car wash and gymnasium/health club facilities. Car washes shall drain into the sanitary sewer system.
- 3. Restaurants outdoor restaurants and take-out restaurants subject to securing a use permit in each case.

Group II. Commercial Uses

A. Automobile Center, subject to a use permit. [28]

- 1. Automobile dealership selling only new cars. The sale of used cars, automobile repair, and automobile detailing may be permitted in conjunction with the sales of new vehicles but only accessory uses.
- 2. Service stations subject to the issuance of the use permit and a finding that the use is supportive of the principal uses permitted in the Newport Place Planned Community text.
- 3. Vehicle storage facility shall be permitted in Hotel Site 2-B subject to the issuance of a use permit.[36]
- B. <u>Hotels and Motels</u>, subject to a use permit.
- C. <u>State, County and Municipal Facilities</u> [2]
- D. <u>Service Stations & Mechanical Car Wash within Service Station Site #1</u>, subject to a use permit. [4]
- E. Retail Commercial uses such as:
 - 1. Restaurants, including outdoor, drive-in or take-out restaurants shall be permitted subject to the securing of a use permit. except as noted under "a" and "b" below: [7]
 - a. Restaurants, other than outdoor, drive-in or take-out restaurants, shall be permitted in Retail-Commercial Site 1 without a use permit provided that the net floor area of all restaurant uses does not exceed 20% of the net floor area of the retail-commercial center.
 - b. Outdoor, drive-in or take-out restaurants shall be designed and located so as to be an integral element of the retail-commercial center and shall not be permitted as a free-standing independent use in any case.
 - 2. Barber shop and beauty parlor
 - 3. Book and stationery store
 - 4. Blueprinting and photostatics
 - 5. Camera shop
 - 6. Delicatessen store
 - 7. Florist
 - 8. Shoe store or repair shop
 - 9. Tailor
 - 10. Tobacco store
 - 11. Office equipment retail and repair
 - 12. Pharmacies

- 13. Tourist information and travel agencies and ticket reservation services, but not to include any airline terminal services or facilities for the transport of passengers, baggage or freight
- 14. Instructional dance facility for adults and related retail sales, subject to a use permit (28.1)
- 15. Other uses similar to the above list

F. <u>General Commercial</u> [8, 9, 23, 26, 28.3, 37]

- 1. New car dealership, subject to a use permit, including ancillary uses listed under Part II, Section II, Group II, A.
- 2. Service stations subject to a use permit.
- 3. Restaurants, including outdoor, drive-in or take-out restaurants, shall be subject to a use permit. Restaurant uses are permitted within General Commercial Sites 1, 2, 3, 5 and 6 not permitted within General Commercial Site 4.
 - a. Restaurants, consisting 1,000 square feet of take-out service limited use, and 4,000 square feet of food service use shall be permitted in General Commercial Site 8 in accordance to the Municipal Code, for General Commercial District Site 8. [37].
- 4. Hobby, Arts and Crafts, including:
 - a. Sporting goods store
 - b. Camera store
 - c. Art gallery
 - d. Craft store
 - e. Pet store
 - f. Bicycle store
 - g. Other uses of similar nature
- 5. Book and Office Support Stores, including:
 - a. Book store
 - b. Office supplies
 - c. Other uses of similar nature
- 6. Retail stores and professional service establishments, including:
 - a. Pharmacies
 - b. Specialty food
 - c. Fabric shops
 - d. Jewelry shops
 - e. Furrier
 - f. Formal Wear
 - g. Barber and hair styling
 - h. Clothing store
 - i. Liquor store

- j. Tourist information and travel agencies and ticket reservation services, but not to include any airline terminal services or facilities for the transport of passengers, baggage or freight.
- k. Other uses of similar nature

7. Home and Office Furnishings, including:

- a. Home furniture store
- b. Office furniture store
- c. Interior decorators
- d. Home appliances
- e. Antique store
- f. Other uses of similar nature
- 8. Athletic Clubs, including:
 - a. Spa
 - b. Health club
 - c. Recreation facility
 - d. Other uses of similar nature
- 9. Home improvement stores, including:
 - a. Hardware store
 - b. Paint store
 - c. Wallcovering store
 - d. Other uses of similar nature
- 10. Retail nursery subject to a use permit
- 11. Institutional, instructional and educational uses, subject to a use permit in each case. (28.3)
- *12. Professional and Business Offices see Part II, Section II, Group I for permitted uses.

*Office uses are permitted within General Commercial Sites 3, 4, 5, 6, and 8 and not permitted within General Commercial Sites 1 and 2. [9, 26, 28.3, 31, 37]

Section III. General Development Standards for Commerce

Maximum building areas and building heights shall be noted in the Statistical Analysis, Part II.A and Part II.B.

A. Setbacks

All setbacks shall be measured from the property line. For the purpose of this ordinance, a street side property line is that line created by the ultimate right-of-way line of the frontage street.

1. Front Yard Setback

Thirty (30) feet minimum; except that unsupported roofs or sunscreens may project six (6) feet into the setback area.

Hotel/Motel uses: Seventeen (17) feet and six (6) inches minimum, provided that the average setback for all buildings along the linear street frontage is thirty (30) feet. [31]

2. Side Yard

Side yard setbacks will be required only when any one of the following conditions exist:

a. Corner lot: Thirty (30) feet (street side setback only), except that unsupported roofs and sunscreens may project three (3) feet into setback area.

Hotel/Motel uses: Fourteen (14) feet and six (6) inches minimum, provided that the average setback for all buildings along the linear street frontage is twenty-seven (27) feet. [31]

b. Where property abuts other than commercially zoned property, a ten (10) foot setback is required. Unsupported roofs and sunscreens may project three (3) feet into the setback area.

Hotel/Motel uses: Ten (10) feet minimum setback for all buildings along the property line. [31]

3. Rear Yard

None required except on a through-lot in which case the required front yard setback shall be observed.

B. Signs

1. Sign Area: General Standard

Building identification shall be limited to a single (1) entity. Building identification signs shall have an area not to exceed 1 1/2 square feet of surface for each one (1) foot of lineal frontage of building. However, no sign shall exceed two hundred (200) square feet per face. Building identification signs shall be limited to two (2) facades.

2. Pole Sign:

One (1) identification pole sign site will be allowed for the following commercial businesses:

- a. Restaurant
- b. Cocktail lounge and/or bar

c. Motel and hotel

If a pole sign is utilized, it shall be in lieu of other identifications signs allowed by ordinance. Pole signs shall be limited to maximum height of twenty (20) feet and a maximum area of fifty (50) square feet per face, double faced.

3. Wall Sign:

In no event shall an identification sign placed on a wall comprise more than ten (10) percent of the area of the elevation upon which the sign is located. Said signs shall be fixture signs. Signs painted directly on the surface of the wall shall not be permitted.

4. <u>Ground Sign</u>:

An identification ground sign shall not exceed four (4) feet above grade in vertical height. Also, ground signs in excess on one-hundred and fifty (150) square feet in area (single face) shall not be erected in the first twenty (20) feet, as measured from the property line, of any street side setback. However, the above standards shall not apply to the Community Directional Sign and Special Purpose Sign.

5. Multi-Tenant Directory Sign:

One (1) directory sign listing only the name of the firms or businesses on a site shall be allowed. Said sign shall be limited to a maximum height of twenty (20) feet. Panels identifying each individual story shall be no longer than one (1) foot in width and five (5) feet in length.

6. Special Purpose Sign:

Subject to the standards established in Part I, Section III, Item D.4.

7. Construction Sign:

Subject to the standards established in Part I, Section III, Item D.6.

8. Future Tenant Identification:

Subject to the standards established in Part I, Section III, Item D.7.

9. <u>Community Direction and/or Identification Sign:</u>

Subject to the standards established in Part I, Section III, Item C.8.

C. <u>Sign Standards</u>

Except as noted above, the same sign standards as outlined in Sub-Section D, Section III, Part I of this ordinance, shall prevail for developments in this area.

D. Parking

1. Medical and Dental

Five (5) spaces for each doctor or one (1) space for each 200 square feet of gross floor area whichever is greater.

2. <u>Professional Offices</u>

One (1) space for each 225 square feet of net floor area. The parking requirement may be lowered to one (1) space for each 250 square feet of net floor area upon review and approval of the modification committee.

Exceptions: [35]

The following parking requirements are applicable to Professional and Business Office Site No. 9.

- One (1) space for each 281 square feet of net floor area.
- Changes to the on-site parking plans shall be reviewed by the Planning Director.

3. <u>Lodge, Halls, Private Clubs, Union Headquarters</u>

One (1) space for each 75 square feet of gross floor area plus one (1) space for each 250 square feet of gross office floor area.

4. Restaurants, Outdoor, Drive-In and Take-Out Restaurants. [7]

Restaurant parking shall be in accordance with Section 20.38.030(d) 20.40.040 of the Newport Beach Municipal Code, except as noted under "b" and "c" below. [37]

- b. Restaurants other than outdoor, drive-in or take-out restaurants within Retail-Commercial Sites 1 and 2 shall provide one (1) space for each 200 square feet of net floor area and one (1) loading space for each 10,000 square feet of gross floor area, to the extent that the net floor area of all restaurants does not exceed 20% of the net floor area of the retail-commercial center. In the event that any restaurant causes the total of all restaurant uses in the retail-commercial center to exceed 20% limitation noted above, that entire restaurant and any subsequent restaurants shall provide parking as noted under "a" above.
- c. Parking for restaurants (take-out service limited use, food service with/without alcohol, with/without late hour) within General Commercial Site 8 shall be in accordance with the Newport Beach Municipal Code [37].

5. Retail Commercial

One (1) space for each 200 square feet of net floor area. One (1) loading space for each 10,000 square feet of gross floor area.

6. <u>Hotels and Motels</u> [6]

Parking for Hotel and Motel guestrooms; all related restaurants, cocktail lounges, banquet and meeting rooms, retail shops; and all employees shall be based on a demonstrated formula to be reviewed and approved by the Planning Commission.

The parking formula shall contain the minimum parking which would be required for each of the separate uses evaluated independently. Any reductions from this minimum parking requirement must be based on the joint usage of the facilities by hotel and motel patrons. [10]

7. General Commercial [8, 9]

- a. One (1) space for each 250 sq.ft. of net floor area. One (1) loading space for each 10,000 sq.ft. of gross floor area.
- b. If the development of General Commercial Site 3 or 4 is limited solely to Professional and Business Office use, the parking shall be: One (1) space for each 225 sq.ft. of net floor area.

The parking requirements may be lowered to one (1) space for each 250 sq.ft. of net floor area upon review and approval of the modifications committee.

- c. Specific parking requirements shall be developed for uses such as furniture stores, athletic clubs, theaters, bowling alleys, home improvement stores, retail nurseries or tire stores based upon functions and occupancies within these uses. Parking shall be in conformance to existing City of Newport Beach requirements for said occupancies, or at a demonstrated formula agreeable to the Director of Community Development Director. In the event that any use described above is converted to another use parking requirements for the new use shall be subject to review by the Director of Community Development Director.
- d. For restaurant parking see Part II, Section III, D.4.

E. <u>Landscaping</u>

Detailed landscaping and irrigation plans, prepared by a landscaping architect, licensed landscaping contractor or architect shall be submitted to and approved by the Planning Community Development Director Director prior to issuing of Building Permits and installed prior to issue of Certificate of Use and Occupancy.

All landscaping referred to in this section shall be maintained in a neat and orderly fashion.

1. Front Yard Setback Area

a. General Statement

Landscaping in these areas shall consist of an effective combination of street trees, trees, ground cover and shrubbery.

c. Special Landscaped Street

The entire area between the curb and the building setback line shall be landscaped, except for any driveway in said area.

c. Other Streets

The entire area between the curb and a point ten (10) feet in back of the front property line shall be landscaped except for any driveway in said area.

2. Side Yard and Rear Yard

a. General Statement

All unpaved areas not utilized for parking and storage, shall be landscaped utilizing ground cover and/or shrub and tree materials.

b. Undeveloped Areas

Undeveloped areas proposed for future expansion shall be maintained in a weed free condition, but need not be landscaped.

c. Screening

Areas used for parking shall be screened from view or have the view interrupted by landscaping and/or fencing from access streets, freeways, and adjacent properties. Plant materials used for screening purposes shall consist of lineal or grouped masses of shrubs and/or trees.

d. Boundary Areas

Boundary landscaping is required on all interior property lines. Said areas shall be placed along the entire length of these property lines or be of sufficient length to accommodate the number of required trees. Trees, equal in number to one (1) tree per twenty-five (25) lineal feet of each property line, shall be planted in the above defined areas in addition to required ground cover and shrub material.

e. All landscaped areas shall be separated from adjacent vehicular areas by a wall or curb, at least (6) inches higher that the adjacent vehicular area.

3. Parking Areas

Trees, equal in number to one (1) per each five (5) parking stalls shall be provided in the surface parking area (31).

F. Loading Areas

1. Street side loading on other than special landscaped streets, shall be allowed providing the loading dock is set back a minimum of seventy (70) feet from the street right-of-way line, or one hundred ten (110) feet from the street center line, whichever is greater. Said loading area must be screened from view from adjacent streets.

G. Storage Areas

- 1. All outdoor storage shall be visually screened from access streets, freeways and adjacent property. Said screening shall form a complete opaque screen up to a point eight (8) feet in vertical height but need not be opaque above that point.
- 2. Outdoor storage shall be meant to include all company owned and operated motor vehicles, with the exception of passenger vehicles.
- 3. No storage shall be permitted between a frontage street and the building line.

H. Refuse Collection Areas

- 1. All outdoor refuse collection areas shall be visually screened from access streets, freeways and adjacent property. Said screening shall form a complete opaque screen.
- 2. No refuse collection area shall be permitted between a frontage street and the building line.

I. <u>Telephone and Electrical Service</u>

All "on-site" electrical lines (excluding lines in excess of 12KV) and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

J. Pedestrian Access

It is required of all developments in the commercial areas to submit a plan of pedestrian access to the Planning Department Division prior to the issuance of building permits. Said plans will detail consideration for pedestrian access to the subject property and to adjacent properties, and shall be binding on subsequent development of the property. The plan shall show all interior walkways and all walkways in the public right-of-way, if such walkways are proposed or necessary.

PART III. RESIDENTIAL OVERLAY

Section I. Minimum Site Area

None. Pursuant to General Plan Program HP3.2.2, residential development meeting requirements in the following Section IV. A. shall be exempt from the minimum 10-acre site requirement specified in General Plan Policy LU6.15.6.

Section II. Density

- 1. Minimum 30 du/acre
- 2. Maximum 50 du/acre

Chapter 20.32 of the Zoning Code provides for density bonus which allows affordable housing projects to achieve increased densities up to a maximum 35 percent of the base density. The provision also includes the opportunity for incentives.

Section III. Definitions

<u>Very Low–Income Household:</u> 50 percent or less of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Low-Income Household: 50–80 percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Moderate-Income Household: 80–120 percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Above Moderate—Income Household: 120+ percent of the area median income, as adjusted for family size by the United States Department of Housing and Urban Development.

Lower-IncomeHousehold: Includes all that qualify under low and very-low income definitions.

Section IV. Permitted Residential Uses

- A. To allow residential development that supports the City's need for lower-income households. Residential development shall be permitted by right subject to the following requirements:
 - Limited to multi-unit residential development and subject to Site Development Review pursuant to Section 20.52.080 of the Newport Beach Zoning Code.
 - 2. Notwithstanding, the review authority for site development review listed in Table 5-2 of the Newport Beach Zoning Code, the review authority for site development review shall be the Planning Commission.

- 3. A minimum of 30 percent of the units within the residential development shall be affordable to lower-income households and subject to a 30-year affordability covenant.
- 4. Densities shall be limited to a minimum of 30 dwelling units per acre and a maximum of 50 dwelling units per acre.
- 5. Sites shall be located such that any noise, dust, smoke, vibration, odor, toxic or noxious matter that may be generated by existing commercial or industrial uses in the surrounding environment would not negatively impact future residents of the development.
- 6. Residential dwellings shall be permitted as replacement of existing nonresidential uses. The number of peak hour trips generated by the development of the site shall not exceed the number of trips that would have resulted from the existing development of the underlying permitted nonresidential uses. A standardized set of conversion rates provided by the City Traffic Engineer shall be utilized.
- 1.7.Residential development shall be subject to the maximum development allocation for the Airport Area established by General Plan Land Use Policy 6.15.5.

Section V. General Development Standards for Residential

Residential development shall be subject to the development standards applicable to the Multi-Unit (RM) residential zoning district as specified in the Newport Beach Zoning Code, except as specified below:

A. Building Height

Maximum building heights shall be limited to a height limit of 55 feet. The height of a structure can be increased up to a maximum height limit of 300 feet, with the approval of a site development review and subject to required findings specified in Section 20.30.060.C.3 of the Newport Beach Zoning Code. Heights shall also comply with the requirements of Section 20.30.060.E of the Newport Beach Zoning Code (Airport Environs Land Use Plan for John Wayne Airport and the Airport Land Use Commission Review Requirements).

B. Floor Area Limit

None.

C. Setbacks All setbacks shall be measured from the property line. For the purpose of this ordinance, a street side property line is that line created by the ultimate right-of-way line of the frontage street. Street Setback Thirty (30) feet minimum, except that unsupported roofs or sunscreens may project six (6) feet into the setback area. **Interior Setback** Ten (10) feet, except on a through-lot in which case the required street setback shall be observed. Footprint Lots Except as required by the Building Code there shall be no additional setback requirements for buildings within footprint lots. Provided, however, that buildings within footprint lots shall be so located as to observe the setbacks from streets and existing lot lines required under Part III, Section III.B.1, 2 and 3. D. **Signs** All signage shall be as specified in Chapter 20.42 of the Newport Beach Zoning Code. Amenities and Neighborhood Integration E. Due to the potential land use incompatibility with other uses within the established commercial or industrial area, residential development shall incorporate sufficient amenities (e.g., parks, clubhouse, pool, etc.) for the use of the residents and incorporate necessary improvements (e.g., pedestrian walkways, open space, recreational space, pedestrian and bicycle connections) to allow integration into the existing community and larger residential development that may occur in the future. The number and type of amenities required and necessary improvements shall be determined through the Site Development Review process based on the size, density,

location, and any other factors deemed relevant.

Affordable units shall be designed and distributed within the residential development as follows:

- 1. Number of Bedrooms. Affordable units shall reflect the range of numbers of bedrooms provided in the residential development project as a whole;
- 2. Comparable Quality and Facilities. Affordable units shall be comparable in the facilities provided (e.g., laundry, recreation, etc.) and in the quality of construction and exterior design to the market-rate units;
- 3. Size. Affordable units may be smaller and have different interior finishes and features than the market-rate units; and
- 4. Location. Affordable units shall be dispersed throughout the residential development, unless clustering is allowed by the review authority.

F. Parking

Parking shall comply with the requirements and standards specified in Chapter 20.40 of the Newport Beach Municipal Code for multi-unit residential development.

All landscaping shall comply with the requirements specified in Chapter 20.36 of the Newport Beach Municipal Code for multi-unit residential development, with the following exceptions: 1. Special Landscaped Street The entire area between the curb and the building setback line shall be landscaped, except for any driveway in said area. Tree size to be no less than 24-inch box. 2. Other Streets The entire area between the curb and a point ten (10) feet back in the front property line shall be landscaped except for any driveway in said area. Tree size to be no less than 24-inch box.

FOOTNOTES

- [1] Planned Community Text Amendment No. 1, dated December 13, 1971, incorporating a revised land use plan.
- [2] Planned Community Text Amendment No. 2, dated June 12, 1972, incorporating the following changes:
 - a. Relocation of Fire Station site.
 - b. Limitation of tourist information, travel agencies and ticket reservations within Retail Commercial sites.
 - c. Addition of specific restaurant density within Retail Commercial sites.
- [3] Planned Community Text Amendment No. 3, dated October 24, 1972, permitting Auto Centers as an additional use within Industrial Site 2B.
- [4] Planned Community Text Amendment No. 4, dated January 8, 1973, incorporating the following changes:
 - a. Provision for a Mechanical Car Wash within Service Station Site No. 1.
 - b. Eliminate provision for a Fire Station within Industrial Site 3A.
- [5] Planned Community Text Amendment No. 5, dated July 23, 1973, incorporating the following changes:
 - a. Rearrangement of Office Site 3 and Restaurant Site 2 and reapportionment of land allotted to each.
 - b. Reduce allowable building area in Office Sites 1 and 2 and increase allowable building area in Office Site 3A.
 - c. Increase allowable building height in Office Site 3A to 8 stories.
- [6] Planned Community Text Amendment No. 6, dated June 10, 1974, establishing parking requirements for Hotels and Motels based on a demonstrated formula.
- [7] Planned Community Text Amendment No. 7, dated September 8, 1975, revising off-street parking requirements for restaurants to conform with existing City Standards.
- [8] Planned Community Text Amendment No. 8, dated February 9, 1976, permitting General Commercial uses on Auto Center Site 1a and 2b.

FOOTNOTES (Cont.)

- [9] Planned Community Text Amendment No. 9, dated April 11, 1977, incorporating the following changes:
 - a. Expand the permitted uses for General Commercial.
 - b. Re-designate General Commercial Site 1-A and 2-B to General Commercial Sites 1, 2 and 3.
 - c. Expand General Commercial Site 3 to include one half of Industrial Site 1A.
 - d. Convert Industrial Site 2A to General Commercial Site 4.
 - e. Restrict the allowable building area and the permitted uses for General Commercial Sites 1, 2, 3 and 4.
- [10] Planned Community Text Amendment No. 10, dated May 23, 1977, incorporating the following change:
 - a. Delete the provision added by Resolution No. 8261 adopted by the City Council on June 10, 1974 from Section III, D, 6.
- [11] Planned Community Text Amendment No. 11, dated April 10, 1978, incorporating the following change:
 - a. Establish guidelines for an exception to the minimum site area.
- [12] Planned Community Text Amendment No. 12, dated July 11, 1978, incorporating the following change:
 - a. Revised the allowable building height for Parcel No. 1 of Resubdivision No. 585.
- [13] Planned Community Text Amendment No. 13, dated November 27, 1978, incorporating the following change:
 - a. Requirement that a Phasing Plan be approved by the Planning Commission for seventy (70) percent of the undeveloped allowable building area existing as of October 1, 1978.
- [14] Planned Community Text Amendment No. 14, dated June 11, 1979, incorporating the following changes:
 - a. Reduce the allowable building area of Industrial Site 3A.
 - b. Reduce the allowable building area of Commercial/Professional and Business Office Site 1 and 2.

FOOTNOTES (Cont.)

- [15] Planned Community Text Amendment No. 15, dated March 23, 1981, incorporating the following changes:
 - a. Specification of a maximum building height of seven (7) stories on Parcel No. 2 of Resubdivision No. 585.
- [16] Planned Community Text Amendment No. 16, dated March 8, 1984 incorporating the following change:
 - a. Increase of 16,154 square feet of office space in Professional and Business Offices Site 5.
- [17] Planned Community Text Amendment No. 17, dated April 23, 1984, incorporating the following change:
 - a. Increase of 1,091 square feet of office space in Professional and Business Offices Sites 1 and 2.
- [18] Planned Community Text Amendment No. 18, dated June 25, 1984, incorporating the following changes:
 - a. Establish a specific limit on hotel rooms in Hotel Sites 1A and 1B.
- [19] Planned Community Text Amendment No. 19, dated July 23, 1984, incorporating the following changes:
 - a. Transfer of 4,130 square feet of allowable building area from General Commercial Site 4 to Professional and Business Offices Site 5.
- [20] Planned Community Text Amendment No. 20, dated January 12, 1987, incorporating the following changes:
 - a. Add Professional and Business Offices Site 8, with 54,000 square feet allowed.
 - c. Delete Restaurant Site 2A, with 8,400 square feet deleted.
- [21] Planned Community Text Amendment No. 21, dated March 9, 1987, incorporating the following change:
 - a. Increase allowed development in Professional and Business Offices Site 5 to 241,570 square feet; allow additional support retail uses up to 294,600 square feet total; add support commercial as permitted land use. (21)

- [22] Planned Community Text Amendment No. 22, dated February 4, 1988, incorporating the following change:
 - a. Allow structures located within a portion of Industrial Site 3A to be constructed in excess of the 35-foot height limit up to a maximum of 50 feet, subject to the approval of a use permit.
- [23] Planned Community Text Amendment No. 23, dated July 6, 1989 incorporating the following change:
 - a. Allow restaurant uses on General Commercial Site 1, subject to the approval of a use permit in each case.
- [24] Planned Community Text Amendment No. 24, dated June 6, 1991, incorporating the following change:
 - a. Increase the allowable office development in Professional Business Offices, Site No.
 5 to 257,287 square feet, and reduce the allowable retail development to 37,315 square feet.
- [25] Planned Community Text Amendment No. 25, approved by the City Council on March 9, 1992, incorporating the following change:
 - Increase the allowable office development in Professional Business Offices, Site No.
 to 268,743 square feet, and reduce the allowable retail development to 25,857 square feet.
- [26] Planned Community Text Amendment No. 26, approved by the City Council on June 8, 1992, incorporating the following changes:
 - a. Redesignate the Sheraton Hotel Site from Hotel Site 1A and 1B to Hotel Site 1 and General Commercial Site 5.
 - b. Reduce the hotel room entitlement on Hotel Site 1 by 119 rooms and establish a development entitlement of 31,362 square feet for General Commercial Site 5.
 - c. Establish a height limit of 50 feet within General Commercial Site 5.
 - d. The Requirement for a reciprocal easement to provide ingress, egress, and parking for mutual benefit between Hotel Site 1 and General Commercial Site 5.
- [27] Planned Community Text Amendment No. 27, approved by the City Council on September 13, 1993, incorporating the following changes:
 - a. Increase the allowable commercial development in General Commercial Site 3 from 48,300 square feet to 49,380 square feet.

- b. Delete the provision which counts one square foot of floor area devoted to restaurants as two square feet of permitted commercial floor area in General Commercial Sites 2, 3, and 5.
- c. Delete the provision which restricts the maximum amount of gross floor area devoted to restaurants to 8,000 square feet each in General Commercial Sites 3 and 5.
- [28] Planned Community Text Amendment No. 28, approved by the City Council on January 22, 1996, incorporating the following changes.
 - a. Restricting automobile repair and detailing as an accessory use only in conjunction with sales of new vehicles.
 - d. Eliminate other permitted uses.
- [28.1] Planned Community Text Amendment No. 28.1, approved by the City Council on September 9, 1996.
 - a. To add 'Instructional Dance Facility for Adults and Related Retail Uses' to the list of 'Retail Commercial' uses for Newport Place.
- [28.2] Planned Community Text Amendment No. 28.2, approved by the City Council on March 24, 1997, incorporating the following changes:
 - a. Change the list of permitted uses of "Industrial Site No. 4" to allow establishment of remedial driving instruction and counseling facility.
- [28.3] Planned Community Text Amendment No. 28.3, approved by the City Council on August 11, 1997, incorporating the following changes:
 - a. Redesignate "Retail Commercial Site 1" (MacArthur Square) to "General Commercial Site No. 6."
 - b. Redesignate "Retail Commercial Site 2" to "Retail Commercial Site 1"
- [29] Planned Community Text Amendment No. 29, approved by the City Council on July 27, 1998, incorporating the following change:
 - a. Permit Business and Trade Schools within Profession and Business Office Site 3A, subject to the approval of a Planning Director's Use Permit.
- [30] Planned Community Text Amendment No. 30, approved by the City Council on January 11, 1999, incorporated the following changes:
 - a. Establish the permitted Gross Floor area for Professional and Business Offices Sites 1 and 2 at 860,884 square feet.

- [31] Planned Community Text Amendment No. 31, approved by the City Council on February 8, 1999, incorporating the following changes:
 - a. Redesignating Auto Center Site 2A to Commercial/Professional & Business Offices Site 2A.
 - b. Redesignating Industrial Site 2B to Commercial/Hotel & Motel Site 2B.
 - c. Expand the permitted uses for Professional & Business Offices to include general professional and general business offices.
 - d. Establish a height limit of 95 feet within Professional & Business Office Site 2A.
 - e. Establish a height limit of 60 feet within Hotel & Motel Site 2B.
 - f. Establish a front yard setback for Hotel/Motel "uses a 17 ½ foot minimum, provided that the average setback for all buildings along the linear street frontage is 30 feet.
 - g. Establish a side yard, corner lot setback for Hotel/Motel uses of a 14 1/2 foot minimum, provided that the average setback for all buildings along the linear street frontage is 27 feet.
 - h. Establish a side yard setback for Hotel/Motel uses of a ten (10) foot minimum.
 - i. Provide that landscaping in parking areas be provided in <u>surface</u> parking areas.
- [32] Planned Community Text Amendment No. 32, approved by the City Council on April 12, 1999, incorporated the following changes:
 - a. Establish the permitted gross floor area for Professional and Business Offices Site 4 at 228,214 square feet.
- [33] Planned Community Text Amendment No. 33, introduced at the City Council meeting on March 26, 2002 and adopted on the 9th of April 2002:
 - a. Update The Industrial Statistical Analysis by allowing a 1,590 square foot building addition at the subject property identified as 1811 Quail Street.
- [34] Planned Community Text Amendment No. 34, adopted on the 14th of June 2005:
 - a. Revising the *Land Use Plan, permitted uses,* and *development standards* of the Newport Place Planned Community as they relate to the Newport Lexus Dealership.
- [35] Planned Community Text Amendment No. 35, adopted on September 14, 2010:

- a. Re-designate Industrial Site 4 to Professional and Business Offices Site 9.
- b. Change the parking requirement for office uses within Professional and Business Offices Site No. 9 to one space per 281 square feet, which allows all of the buildings to be occupied with office uses.
- c. Add a provision that requires Planning Director review of the parking configuration in Professional and Business Offices Site No. 9.
- d. Revising the Land Use Plan, permitted uses and development standards of the Newport Place Planned Community as they relate to the Newport Commerce 16.9 acre site bounded by Birch Street, Dove Street, Westerly Place and Quail Street.
- [36] Planned Community Text Amendment No. 36, adopted on October 25, 2011:
 - a. Add vehicle storage facility as a permitted use on Hotel Site 2-B subject to the issuance of a use permit and a finding that the use is supportive of the principal uses permitted in the Newport Place Planned Community text.
- [37] Planned Community Text Amendment No. 37, adopted on November 22, 2011:
 - a. Change the zoning designation of the subject property from "Restaurant Site 1" to "General Commercial Site 8."
 - b. A transfer of development rights to allow the transfer of 48 unbuilt hotel units, which equates to Storage Facility at 1301 Quail Street and 1,620 square feet from General Commercial Site 7 (Lexus Dealership at 3901 MacArthur Boulevard) for a total of 5,529 square feet to the subject site, pursuant to Chapter 20.46 (Transfer of Development Rights) of the Municipal Code.
- [38] Planned Community Text revisions (Ordinance No. 2011-__), adopted Insert Date, to allow the following changes:
 - a. To establish a residential development overlay where multi-unit residential developments, which include a minimum of 30 percent of the units affordable to lower income households, are permitted subject to site development review.
 - b. Revised references to the *Planning Director*, *Planning Department*, and *Building Department*, to *Community Development Director*, *Planning Division*, and *Building Division*, to reflect changes in the City's organizational structure.

Attachment No. PC 2

Housing Programs 3.2.2 and 3.2.3

Housing Program 3.2.2

Recognizing that General Plan Policy LU6.15.6 may result in a potential constraint to the development of affordable housing in the Airport Area, the City shall amend the General Plan and/or establish a waiver or exception to the minimum 10-acre site requirement. It is recognized that allowing a smaller scale development within an established commercial and industrial area may result in land use compatibility problems and result in a residential development that does not provide sufficient amenities (i.e. parks) and/or necessary improvements (i.e. pedestrian walkways). Therefore, it is imperative that the proposed waiver include provisions for adequate amenities, design considerations for the future integration into a larger residential village, and a requirement to ensure collaboration with future developers in the area. (Imp 25.1)

Responsibility: Planning Division, Planning Commission and City Council

2008-2014 Objective: Staff shall study and develop a plan for the City Council's consideration by Spring 2012.

Housing Program 3.2.3

The City shall amend the Newport Place (PC 11) and Koll Center (PC 15) Planned Community texts to allow residential developments that include: 1) a minimum of 30 percent of the units affordable to lower-income households; and 2) densities between 30 du/acre and 50 du/acre consistent with the MU-H2 General Plan land use designation and policies for the Airport Area. It is recognized that adding residential as a permitted use where it was not allowed previously might require additional design attention to integrate uses. Therefore, the Planned Community Amendments will add residential uses as permitted by right subject to a site plan review to ensure integration within the existing area.

The City will monitor commercial redevelopment within the Airport Area to ensure sufficient residential capacity remains to accommodate the City's RHNA for lower-income households. Should residential capacity be reduced to a level that cannot accommodate the City's remaining need for lower-income households citywide, the City will identify and zone, if necessary, sufficient sites in an alternative location to accommodate the City's RHNA (*Imp 25.1*)

Responsibility: Planning Division, Planning Commission and City Council

2008-2014 Objective: Staff shall prepare a City initiated Planned Community Amendment for Planning Commission and City Council review by Spring of 2012.

Attachment No. PC 3

HCD compliance letter

STATE OF CALIFORNIA -BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT DIVISION OF HOUSING POLICY DEVELOPMENT

1800 Third Street, Suite 430 P. O. Box 952053 Sacramento, CA 94252-2053 (916) 323-3177 / FAX (916) 327-2643 www.hcd.ca.gov



December 29, 2011

Mr. David Kiff, City Manager City of Newport Beach 3300 Newport Boulevard Newport Beach, CA 92658

RE: Review of the City of Newport Beach's Adopted Housing Element

Dear Mr. Kiff:

Thank you for submitting Newport Beach's housing element adopted November 22, 2011 and received for review on November 30, 2011. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h).

As you know, the Department's September 8, 2011 review found Newport Beach's revised draft housing element addressed the statutory requirements of housing element law. As the adopted element is substantially the same as the revised draft, we are pleased to find the element in full compliance with State housing element law (Article 10.6 of the Government Code).

Successful implementation of Program 3.2.2, to remove the 10-acre minimum site requirement and Program 3.2.3, to allow by-right development for multifamily housing affordable to lower-income households are critical to facilitate residential development within the John Wayne Airport Area (PC 11 and PC15). The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code Section 65400.

The Department acknowledges Newport Beach's commitment to encourage the development of a variety of housing types for lower-income households and workers through the implementation of Program 2.1.5 providing regulatory and financial incentives to meet the housing needs of extremely low-income households and Program 3.1.4 to facilitate the development of residential on mixed-use sites. Such strategies facilitate more compact development to address climate change, energy conservation and air quality objectives, maximize existing land resources, and promote the feasibility of developing housing for lower-income families and workers while strengthening the local economy.

The Department is pleased to report Newport Beach now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks (HRP) Program, Local Housing Trust Fund and the Building Equity and Growth in Neighborhoods (BEGIN) programs include housing element compliance either as a threshold or competitive factor in rating and ranking applications. Details about these and other programs are available at this website at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecompl011708.pdf.

Specifically, the HRP Program, authorized by Proposition 1C, is an innovative new program rewarding local governments for the approval of housing for lower-income households and provides grant funds to eligible local governments for every qualifying housing start, beginning calendar year 2010. Additional information on the HRP Program can be obtained from this website http://www.hcd.ca.gov/hpd/hrpp/.

The Department appreciates the assistance provided by Messrs. Jamie Murillo and Gregg Ramirez throughout the course of the review and looks forward to receiving Newport Beach's adopted housing element. Their dedication to the housing element update process was instrumental in creating a valuable tool to address the community's housing and community development objectives. We wish Newport Beach success in implementing its housing element and look forward to following its progress through the General Plan annual progress reports pursuant to Government Code Section 65400. If the Department can provide assistance in implementing the housing element, please contact Melinda Coy, of our staff, at (916) 445-5307.

Sincerely,

Glen A. Campora

Assistant Deputy Director

Attachment No. PC 4

Zoning Code Section 20.30.060C.3

20.30.060 C.3. (Required Findings for an increase in height)

- 3. Required Findings. The review authority may adopt a Planned Community District, adopt a specific plan, or approve a planned development permit or site development review to allow an increase in the height of a structure above the base height only after first making all of the following findings in addition to the findings required for the discretionary permit application:
 - a. The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:
 - Additional landscaped open space;
 - ii. Increased setback and open areas;
 - iii. Enhancement and protection of public views; and
 - b. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;
 - c. The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties; and
 - d. The structure will have no more floor area than could have been achieved without the approval of the height increase.

Attachment No. PC 5

PC 5 4/19/12 Planning Commission Staff Report

Attachment No. PC 6

Mr. Mosher's Comments

Rob,

On April 19, 2012, a staff report on "Newport Place Affordable Housing Amendment" (PA2011-215, Melinda Whelan, Assistant Planner) was presented to the Planning Commission, but has not yet been heard due to continuations, and will, I believe, be returning to the Planning Commission on June 7, 2012.

If a revised report is being prepared, the Planning Division may wish to consider the following suggestions:

- * Although perhaps an artifact of the formatting of the redline version, the pagination listed in the "Contents" is not entirely consistent with the typescript. For example, page 3 (handwritten page 19 of the April 19 staff report) indicates "PART 11- COMMERCIAL" should start on page 34. It actually starts on page 35.
- * The headings for the new "RESIDENTIAL" text listed on CONTENTS pages 3 and 4 are inconsistent with the actual headings. ** For example:
- *** "PART III. RESIDENTIAL" in the contents is actually "PART III. RESIDENTIAL OVERLAY" on page 47.
- *** Section V, Subsection B is actually "Floor Area Limit" rather than "Setbacks" and the subsequent sections are similarly mislabeled.
- * Within in the PC-11 text, references to the changes proposed to be made by amendment 38 are not consistently annotated.
- ** For example:
- *** On page 6 there is a "[38]" annotation after the inserted text.
- *** On page 22, there is none.
- * Since the "STATISTICAL ANALYSIS" starts on page 9 and runs through page 22, the repetition of that title seems unnecessary, but to be consistent with the way the other sections are formatted, the inserted "STATISTICAL ANALYSIS / PART III RESIDENTIAL" should really start on a new page.
- * Likewise, immediately following that on the present page 22, "PART I. INDUSTRIAL / Section I. Minimum Site Area" would be a lot easier to correlate with the Contents if it started on a new page. As it is, it is extremely difficult to tell where the statistical analysis ends and something else begins.
- * On the current page 22, the meaning of the "**" at the end of "PART II COMMERCIAL/SERVICE STATION**" is unclear. It may have indicated a footnote, but the reference is now uncertain.
- * On page 23, the meaning of the line reading "**Reference Page 4, Part I, Item D." is unclear. This might possibly be the footnote from page 22, but whatever it is, there is nothing on the current page 4 that seems relevant.

- * On page 24, the meaning of the "* & **" in front of "6." is unclear. Apparently these were once footnotes, as on page 36, but the notes seem to have been deleted.
- * On pages 33-34, under "H. Loading Areas," the "1." at the start of the condition has been inadvertently moved from the start of the sentence to a position in mid-sentence at the top of page 34.
- * On page 34 under "J. Refuse Collection Areas" there are two items numbered "1."
- * On page 36, the use of the "* & **" notation to indicate notes is inconsistent with the way they are indicated elsewhere (for example, by superscript numbers on pages 18 and 20 -- although the "*" and "**" notation is used on pages 9 and 39).
- * The sign standards specified on pages 41-42 of the PC text have been superseded in some areas (for example in the Ridgeway project area on MacArthur) by Comprehensive Sign Programs, and perhaps this possibility should be acknowledged in the PC text.

* On page 47:

- ** The reference in Section I to "the following Section II. A." is unclear. There is no such section. It is probably meant to read "Section IV. A."?
- ** It is unclear what "area" is to be used in setting the "area median income." Is it Orange County, Newport Beach, the Airport Area of Newport Beach or some other area?
- * On page 48, the nature of the "30-year affordability covenant" may need further definition.
- ** What does "affordable" to persons of a certain income range mean?
- ** Does the level of "affordability" change if a property is sold?
- ** Does a sale require extension the 30-year term, or is a fixed ending time set at the time of development?
- ** After the covenant expires:
- *** Can rents be raised above the initial levels of affordability?
- *** Can the existing affordable housing be redeveloped into a more upscale configuration? If so, the expiration of the 30-year covenant would seem to circumvent the basic intent of the PC text to permit ONLY development with 30% affordable housing in this area. But if a minimum 30% affordable housing component is forever required, the covenant seems redundant.

* On page 49:

- ** The meaning of the "(6)" after "3. Footprint Lots (6)" is unclear.
- ** In the body of that condition, the reference to "Part III. Section III.B. 1, 2 and 3" is unclear. There does not seem to be such section in the PC Text. It might be a reference to Part I (INDUSTRIAL) setbacks on page 29, although those don't seem very different from the immediately preceding requirements in Part III. Section V.B. 1 and 2.

* On page 58 the note that references to "Director of Parks, Beaches, and Recreation" have been changed to "Director of Municipal Operations Department" is curious on two fronts: (1) There do not seem to have been any references to the "Director of Parks, Beaches, and Recreation" in the previous PC text, and (2) the Municipal Operations Department was created by merging the General Services Department and Utilities Division. Parks, Beaches, and Recreation has long been a citizens advisory commission, but has not been a named department in recent memory.

-- Jim

Correspondence Item No. 4a

RECEIVED BY

COMMUNITY

JUN 0 5 2012

MEYER PROPERTIES Airport Area PC Amendment

PA2011-215

4320 VON KARMAN . NEWPORT BEACH, CALIFORNIA 92660 (949) 862-0500 · FAX (949) 862-0515

June 5, 2012

Via Facsimile: (949)644-3229

Planning Commission City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92663

Re: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

On behalf of Meyer properties I wish to again express our serious concern regarding your proposed Amendment to the Newport Place Planned Community Plan. More specifically, we are concerned that this amendment will significantly alter the nature of land use in Newport Place in a negative way.

As owners of a variety of differing types of commercial properties for more than thirty years, we have seen what happens when incompatible uses are encouraged by various changes to zoning, especially changes that were not contemplated when an area was initially planned and developed in response to compatible land use and zoning requirements. In this instance, we anticipate that high density residential development will over burden existing infrastructure. Police and fire protection services will face increasing stress as will the local arterial system.

Moreover, from a purely Urban Planning 101 perspective we feel the proposed amendment fails to address necessary elements that are a key to providing a foundation necessary for successful residential development. The amendment would not satisfy such basic planning fundamentals as compatibility with neighboring development, conflicts between land uses, proximity to public services and adverse environmental influences.

Any residential development in this area would be an island surrounded by incompatible commercial and industrial uses, it would suffer the noise and air pollution generated by the John Wayne/Orange County Airport, it would lack proximity and ease of access to schools, libraries, public parks and even such fundamental necessities as grocery stores. Succinctly, the ingredients necessary for a successful residential development do not exist at Newport Place.

Accordingly, we must ask the planning staff to vote against any such inappropriate amendment.

Sincerely,

Meyer Properties

James B. Hasty Senior Vice President

Correspondence
Item No. 4b
Airport Area PC Amendment
PA2011-215



RECEIVED 81

JUN 0 5 2012



June 5, 2012

Via Courier and Fed Ex

Ms. Melinda Whelan Assistant Planner 3300 Newport Blvd. P.O. Box 1768 Newport Beach, California 92658-8915

RE:

Airport Area PC Amendment - Newport Place Planned Community Amendment No. PD2011-005 and Planning Commission Meeting Scheduled for June 7, 2012

Dear Ms. Whelan:

My client, OCRC Capital Corporation ("OCRC"), owns a building, located at 4910 Birch St. within the Koll Center office park. On behalf of OCRC, this correspondence shall serve as our opposition and objection to the Proposed Airport Area PC Amendment – Newport Place Planned Community Amendment No. PD 2011-005, which is scheduled to be voted on during the Planning Commissions, June 7, 2012, regular meeting.

Our first reaction to the amendment is that it does not address the necessary elements that are relevant to providing a foundation for a successful residential development. The proposed amendment would not resolve basic planning issues such as compatibility with neighboring development, conflicts between land uses, proximity to public services and adverse environmental influences. For example, it seems obvious that a residential development in this area would be isolated and surrounded by commercial and industrial use property that is incompatible with a residential development. Likewise, there is a lack of basic necessities including schools, libraries, public parks and even grocery stores.

Finally, as owners of commercial and residential properties for many decades, it is easy to foresee that the proposed Newport Place Planned Community Amendment and Koll Center Amendment would over burden the existing infrastructure. High density residential housing projects, like Newport Place and Koll Center in the airport area, will without a doubt cause parking and traffic issues for current owners. Even worse, is that the proposed residential housing project at Koll Center, for example, will tower over

Ms. Melinda Whelan Assistant Planner June 5, 2012 Page - 2 -

current buildings, obliterate tenant views, impair the property values, and will affect the current and future commercial use of those properties.

In this case, the Planning Commission is being asked to approve changes that were not contemplated when the Airport Area was initially planned and developed. High density residential housing is simply an incompatible use to this area. As a result, we must ask the planning commission to vote against this inappropriate amendment.

Very truly yours,

Marisa D. Poulos

Associate Counsel

Cc: Igor Olenicoff

CANOPULLO

Correspondence

Item No. 4c

Airport Area PC Amendment

PA2011-215

RECEIVED 8+

COMMUNITY

JUN 0 7 2012



June 7, 2012

Via Facsimile: 949.644-3229

Planning Commission City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92663

Re: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

On behalf of Canopi LLC I wish to express our serious concern regarding your proposed Amendment to the Newport Place Planned Community Plan. More specifically, we are concerned that this amendment will significantly after the nature of land use in Newport Place in a negative way.

As the owner of the property at 4440 Von Karman Avenue in Koll Center Newport, we are worried about the impact when incompatible uses are encouraged by various changes to zoning, especially changes that were not contemplated when the area was initially planned and developed in response to compatible land use and zoning requirements. We anticipate that high-density residential development will overburden existing infrastructure and that police and fire protection services will face increasing stress, as will the local arterial system.

Moreover, from a basic urban planning perspective we feel the proposed amendment fails to address necessary elements that are key to providing a foundation necessary for successful residential development. The amendment would not satisfy such basic planning fundamentals as compatibility with neighboring development, conflicts between land uses, proximity to public services and adverse environmental influences.

Any residential development in this area would be an Island surrounded by incompatible commercial and industrial uses. It would suffer the noise and air pollution generated by John Wayne/Orange County Airport, it would lack proximity and ease of access to schools, libraries, public parks and even such fundamental necessities as grocery stores. In short, the ingredients necessary for a successful residential development do not exist at Newport Place.

Accordingly, we respectfully ask the planning staff to vote against any such inappropriate amendment.

Sincerely,

Canopi LLC

Scott Wessler Vice President



Airport Area PC Amendment Newport Place Planned Community

June 7, 2012 Planning Commission City of Newport Beach



Future Housing Potential

- 2006 General Plan Update designated portions of Newport Place and Koll Center Newport Mixed-Use to accommodate future housing opportunities
- Housing Element identifies several sites within Newport Place as potential opportunities for affordable housing
- State Housing and Community Development (HCD) identified two constraints to affordable housing opportunities.
- HCD mandated that the City address the constraints as part of the Housing Element approval process

Constraints

General Plan Policy LU 6.15.6 requires a 10-acre minimum site for residential neighborhoods

Housing Element Program HP3.2.2 was mandated:

Recognizing that General Plan Policy LU6.15.6 may result in a potential constraint to the development of affordable housing in the Airport Area, the City shall amend the General Plan and/or establish a waiver or exception to the minimum 10-acre site requirement. It is recognized that allowing a smaller scale development within an established commercial and industrial area may result in land use compatibility problems and result in a residential development that does not provide sufficient amenities (i.e. parks) and/or necessary improvements (i.e. pedestrian walkways). Therefore, it is imperative that the proposed waiver include provisions for adequate amenities, design considerations for the future integration into a larger residential village, and a requirement to ensure collaboration with future developers in the area.

Constraints

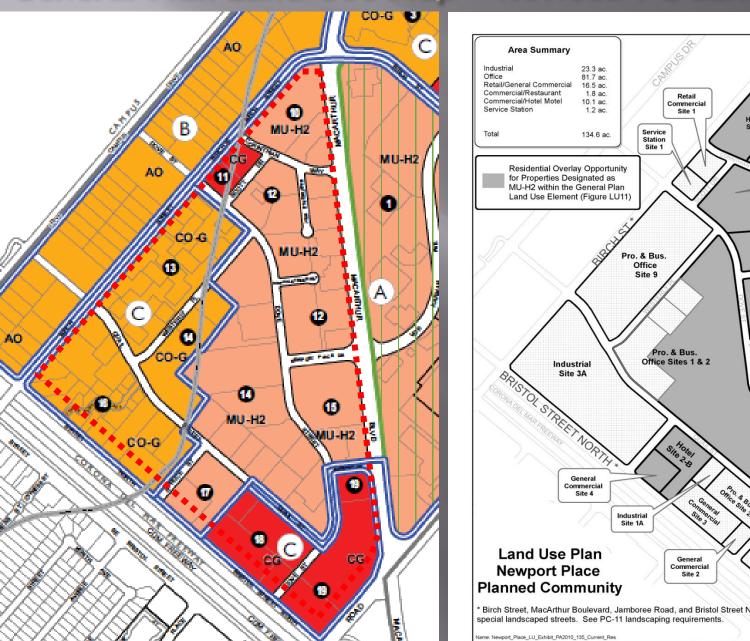
Sites remain zoned for commercial and industrial uses

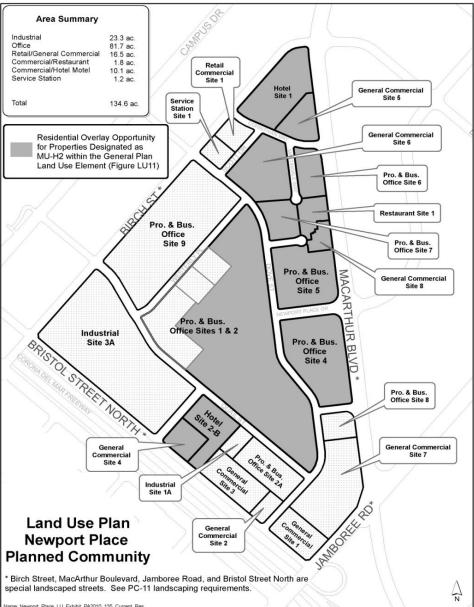
Housing Element Program HP3.2.3 was mandated as follows:

The City shall amend the Newport Place (PC 11) and Koll Center (PC 15) Planned Community texts to allow residential developments that include: 1) a minimum of 30 percent of the units affordable to lower-income households; and 2) densities between 30 du/acre and 50 du/acre consistent with the MU-H2 General Plan land use designation and policies for the Airport Area. It is recognized that adding residential as a permitted use where it was not allowed previously might require additional design attention to integrate uses. Therefore, the Planned Community Amendments will add residential uses as permitted by right subject to a site plan review to ensure integration within the existing area.

General Plan Land Use Map

Revised PC Land Use Map





Residential Overlay

- Creates opportunity for affordable housing to lower-income households and waives the minimum 10 acre site requirement
- Qualifying projects are subject to a Site
 Development Review
- Planning Commission is review authority

Qualifying Projects Must Provide

- 30 to 50 dwelling units per acre
- Minimum of 30 percent of the units must be affordable to lower-income households for 30 years
- Residential units only as replacement
 pursuant to General Plan Policy LU 6.15.5

Qualifying Projects Must Provide

- Setbacks consistent with existing PC
- Landscaping consistent with existing PC and multi-family (RM) standards of the Zoning Code
- Height 55 feet maximum
- Parking and signs per RM standards
- Design Provide sufficient amenities and integration with the area

Site Development Review

- Public Hearing by Planning Commission required
- Review will ensure implementation of General Plan policies
- Review will ensure preservation of established community character to the maximum extent while implementing the mixed-use policies of the General Plan
- Review will ensure high quality development with proper integration of the project with surrounding uses

Correspondence
Item No. 4e
Airport Area PC Amendment
PA2011-215

RECEIVED 81

JOHN S. ADAMS & ASSOCIATES, INC.

5100 BIRCH STREET, SECOND FLOOR NEWPORT BEACH, CA 92660 COMMUNITY

JUN 07 2012

FAX COVER SHEET

DEVELOPMENT OF NEWPORT BEACH

DATE:

6/7/12

TIME:

2:17 PM

TO:

Melinda Whelan

City of Newport Beach

PHONE:

949/644-3229

FROM:

John Adams

FAX: PHONE:

949/833-1972

FAX:

949/851-2055

RE:

Airport Area PC Amendment

Number of pages including cover sheet: 2

Message

JOHN S. ADAMS & ASSOCIATES, INC.

5100 BIRCH STREET, NEWPORT BEACH, CALIFORNIA 92660 (949) 833-1972 FAX (949) 851-2055

June 6, 2012

COMMUNITY

Via Facsimile (949) 644-3229

JUN 0 7 2012

Ms. Melinda Whelan Assistant Planner City of Newport Beach 3300 Newport Boulevard Newport Beach, CA 92658-8915



Re:

Airport Area PC Amendment Newport Place Planned Community

Dear Ms. Whelan:

I am submitting these comments as President of Courthouse Plaza Association. This association includes 5100, 5120, 5140 and 5160 Birch Street. On behalf of the owners of these buildings we wish to express our opposition and objection to the Proposed Airport Area PC Amendment.

The proposed amendment injects potential high density residential development on individual lots into a cohesive office and business park. High density residential development is not compatible with the existing office and business park environment. High density residential development would dwarf a majority of the existing low-rise office development.

The high density residential developments proposed for Newport Place, along with Koll Center, will cause parking and traffic issues for current owners and impair property values.

We request that the Planning Commission vote against this amendment that is not compatible with existing uses.

Sincerely,

JOHN S. ADAMS & ASSOCIATES, INC.

Johnan

John S. Adams



PRES COMPANIES

PRÆS Brokerage Group

PRES
Development & Construction
Management Group

PRIES
Corporate Consulting Group

PRES
Property/Asset
Management Group

PRES
Acquisitions &
Investment Group

PRES Resorts Group Correspondence
Item No. 4f
Airport Area PC Amendment
PA2011-215

RECEIVED BY

June 7, 2012

COMMUNITY

Via Facsimile: (949)644-3229

JUN 0 7 2012

Planning Commission City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92663



Re: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

This letter concerns the proposed Amendment to Newport Place Planned Community Plan (the "Amendment") pertaining to the planned residential development in Newport Place. The PRES Companies ("PRES"), an owner in Koll Center Newport, has serious misgivings regarding the Amendment, and requests that Planning Staff vehemently oppose such Amendment.

PRES believes that Amendment is inappropriate and fails to address adequately the impact of such development to the area. There is a danger when incompatible uses are encouraged by various changes to zoning, particularly changes that were never contemplated in the original planning and development. It is not a stretch to conclude that high density residential will over burden the existing infrastructure, including both police and fire, along with stress on the existing arterial system.

Quite frankly, the Amendment fails to address fundamental elements that are vital to successful residential development, such as compatibility with neighboring developments, conflicts between land uses, proximity to public services and adverse environmental conditions.

In summary, the Amendment suffers the most basic fundamentals of a successful residential development... it is surrounded by incompatible commercial and industrial uses, affected by the noise and air pollution generated by John Wayne/Orange County Airport, lacks proximity and ease of access to schools, libraries and public parks, and such a fundamental necessity as a grocery store. The ingredients of a successful residential development are just simply lacking at Newport Place.

Thank you for your consideration.

Very Truly Yours,

THE PRES COMPANIES

radley w.schroth

Pfesident



June 7, 2012

COMMUNITY
JUN 0 8 2012

OF NEWPORT BEFORE

Planning Commission City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92663

RE: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

I would like to strongly express my concern and opposition to the proposed Amendment to the Newport Place Planned Community Plan. We are concerned that this Amendment will have a very negative impact on the nature of land use in Newport Place.

Our team and I have many years of practice and education working in commercial real estate. We know the challenges of redevelopment, particularly for projects in areas that historically, were not zoned for alternate uses such as housing. In this case, we are confident that current infrastructure and amenities will not support the high density residential development being considered here.

Many challenges will need to be addressed including problems with: police and fire protection services, arterial systems, utilities, environmental systems, conflicts in land uses, proximity to public services, and compatibility with neighboring development.

Additionally, residents in a new development here would suffer from a lack of amenities, surrounded by commercial and industrial uses. Residents would lack access to schools, libraries, public parks, grocery stores, restaurants, and entertainment. They would also have to put up with the noise and air pollution from John Wayne Airport.

We hope that you will heavily consider these costs as you make your decision.

Sincerely.

Greg Merage, CEO Merage Investment Group 4040 MacArthur Blvd.; Ste. 300 Newport Beach, CA 92660 Tel: (949) 251-0444 Fax: (949) 251-0888

Saunders Property Company

COMMUNITY

JUN 0 8 2012

PLAZATAG COMUNTS	STON		97	DEVELOPMEN
To: CITY OF NEWBOX	BEACH From:	JoHN SAM	DENS	OF NEWPORT
Fax: (949) 644-3229	Pages:	2	3	9 9
Phone:	Date:			
RE: NEWPORT PLACE AT HOUSTING AMERICA	FONDAGE CC:		(8) (141) (9)	
		□ Picase Reply	□ Please	Recycle
• Comments:				75 2

President



4040 MacArthur Blvd., Suite 300 Newport Beach, CA 92660

Tel: (949) 251-0444 Fax: (949) 251-0888

June 7, 2012

Planning Commission City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92663

Re: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

This letter concerns the proposed Amendment to Newport Place Planned Community Plan (the "Amendment") pertaining to the planned residential development in Newport Place. Saunders Property Company ("SPC"), an owner in Koll Center Newport (KCN), believes this Amendment has not been given sufficient review and insufficient opportunity for input by KCN owners and as such, requests that Planning Staff postpone the vote or oppose the Amendment in its current form until such time as the KCN owners have had sufficient time and opportunity to opine.

SPC does not oppose residential uses in the airport area but believes the type of residential developments and their related locations and densities need to be scaled appropriately for the surroundings. Furthermore, surrounding owners need to be made a part of the planning stage to provide their input as they have a vested interest in maintaining the value of their investments. In the case of the Amendment, it appears Koll has been proceeding rapidly down the development path without including any of the KCN owners. This should be rectified before there is a vote or if the current vote is inevitable than we would hope the Amendment is opposed in its current form until more input is received by KCN owners.

Thank you for your consideration.

Sincerely,

SAUNDERS PROPERTY COMPANY

John Saunders President

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COMMUNITY

JUN 08 2012

4200 Von Karman, LLC

4200 Von Karman Avenue, Newport Beach, CA 92660

June 7, 2012

Via Facsimile: (949) 644-3229

Planning Commission
City of Newport Beach
3300 Newport Blvd. Newport Beach, CA 92663

Re: Newport Place Affordable Housing Amendment

Dear Planning Commissioners:

On behalf of 4200 Von Karman, LLC I wish to again express our serious concern regarding your proposed Amendment to the Newport Place Planned Community Plan. More specifically, we are concerned that this amendment will significantly alter the nature of land use in Newport Place in a negative way.

As owners of a variety of differing types of commercial properties for more than thirty years, we have seen what happens when incompatible uses are encouraged by various changes to zoning, especially changes that were not contemplated when an area was initially planned and developed in response to compatible land use and zoning requirements. In this instance, we anticipate that high density residential development will over burden existing infrastructure. Police and fire protection services will face increasing stress as will the local arterial system.

Moreover, from a purely Urban Planning 101 perspective we feel the proposed amendment fails to address necessary elements that are a key to providing a foundation necessary for successful residential development. The amendment would not satisfy such basic planning fundamentals as compatibility with neighboring development, conflicts between land uses, proximity to public services and adverse environmental influences.

Any residential development in this area would be an island surrounded by incompatible commercial and industrial uses, it would suffer the noise and air pollution generated by the John Wayne/Orange County Airport, it would Jack proximity and ease of access to schools, libraries, public parks and even such fundamental necessities as grocery stores. Succinctly, the ingredients necessary for a successful residential development do not exist at Newport Place.

Accordingly, we must ask the planning staff to vote against any such inappropriate amendment.

Sincerely,

Bryan Bentrott Member

4200 Von Karman, LLC

James Ven

STEVEN C. KISER

TELEPHONE (949) 760-1164 FAX (949) 729-1637 366 SAN MIGUEL DRIVE SUITE 312 NEWPORT BEACH, CALIFORNIA 92660

June 7, 2012

Via Hand Delivery

Newport Beach Planning Commission 3300 Newport Boulevard Newport Beach, CA 92663

Re: Newport Place Planned Community Amendment No. PD2011-005

Dear Planning Commissioners:

These comments to Newport Place Planned Community Amendment No. PD2011-005 (the "PC Amendment") are submitted on behalf of my client, Lucas-Gianulias, a California general partnership that owns office condominiums at 1101 – 1107 Quail Street, which is within the Newport Place Planned Community ("Newport Place").

The proposed PC Amendment implementing Housing Programs 3.2.2 and 3.2.3 to permit residential development for lower income households within Newport Place should not be recommended by the Planning Commission for adoption by the City Council. The addition of residential uses in Newport Place does not make sense from a planning standpoint because it would create an island of residences in a sea of office and industrial uses. The General Plan Policy of requiring residential neighborhoods in the Airport Area to have a minimum of 10 contiguous acres centered on a neighborhood park and other amenities should not be changed.

Allowing up to 50 dwelling units per acre will require residential structures that will potentially house hundreds of families. Where are the schools, the day care centers, libraries, parks, medical services and other facilities that will be needed by those families? Where will the kids play? Skateboarding on MacArthur Boulevard or Bristol North sounds like an accident waiting to happen. It is bound to happen when there are no ball fields, basketball courts or nearby parks of any sort.

Where is the nearest grocery store? A Coco's and some fast food places at opposite ends of the planning area will not meet the needs of the many residents that would live in

Newport Beach Planning Commission June 7, 2012 Page 2 of 2

Newport Place if a development is built under Housing Programs 3.2.2 and 3.2.3. From a planning standpoint, how far should a resident of a new development have to drive to buy groceries? Allowing residences to be plunked down in the expanse of the commercial/industrial airport area looks like a return to the days of "spot zoning" with all of its attendant problems.

There certainly must be far superior alternative locations in Newport Beach for meeting the City's obligation to provide units affordable to lower income households. The Planning Commission should not allow State mandates, the withdrawal of State funding programs, or other fiscal pressures to drive the planning process into bad decisions. Supporting Newport Place Planned Community Amendment No. PD2011-005, permitting residential development in Newport Place, would be such a decision.

Kindest Regards,

Steven C. Kiser

June 7, 2012



www.kennedycommission.org 17701 Cowan Ave., Suite 200 Irvine, CA 92614 949 250 0909 fax 949 263 0647

Chair Michael Torre and Planning Commission Members City of Newport Beach 3300 Newport Blvd. Newport Beach, CA 92658

RE: Newport Place Planned Community Amendment

Dear Chair Torre and Planning Commission Members:

The Kennedy Commission (the Commission) is a broad based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$20,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with jurisdictions in Orange County to create strategic and effective housing and land-use policies that has led to new construction of homes affordable to lower income working families.

With a significant lack of quality affordable homes, it is evident that Orange County is a very expensive place to live in. While the economic downturn has allowed home prices to be at an all time low, many lower income working families are still not able to purchase a home and remain as renters; however, many of these renting families continually struggle financially to live in the city they work in. Over the past year, Orange County had the biggest rental increase in Southern California (13%) and compared to other cities in Orange County, housing costs are significant higher in Newport Beach.²

As the City moves forward in the addressing housing needs for all income segments of the community, the Commission would like to acknowledge and commend the City's leadership in facilitating and encouraging the development of homes affordable to lower income families in the proposed Newport Place development. The Commission believes the City is moving in the right direction in implementing: 1) the City's 2008-2012 Housing Element Housing Programs 3.2.2. and 3.2.3 in Newport Place.

For the 2008-2014 Housing Element planning period, the City's total Regional Housing Needs Assessment (RHNA), including the un-accommodated portion of the 2000-2005 RHNA, for lower income households are: 451 homes at very low-income, 319 homes at low-income and; 442 homes at moderate-income.³ To address the remaining RHNA needs, the City identified the John Wayne Airport Area and Banning Ranch as opportunity sites suitable for residential development. In particular, the Airport Area was identified as the "greatest potential" to accommodate the City's lower income RHNA

¹ Rising Rents May Signal a Housing Market Recovery, Los Angeles Times, March 13, 2012

² City of Newport Beach General Plan Housing Element Draft, p. 5-30 and 5-31, August 2011.

³ City of Newport Beach General Plan Housing Element Draft, p. 5-45, August 2011.

Chair Torre and Planning Commission Members Page 2 of 2 June 7, 2012

need of 770 homes.4

Providing an amendment to Newport Place would permit residential development that includes a minimum of 30 percent of homes affordable to lower income families.⁵ Also, the removal of the 10-acre minimum site requirement and allowing by-right development for multifamily housing affordable to lower-income households is essential in encouraging and facilitating the development of affordable homes in the Airport Area.

In December 2011, the California Department of Housing and Community Development (HCD) found the City's 2008-2014 Housing Element in full compliance that was contingent upon the following:

Successful implementation of Program 3.2.2, to remove the 10-acre minimum site requirement and Program 3.2.3, to allow by-right development for multifamily housing affordable to lower-income households are critical to facilitate residential development within the John Wayne Airport Area (PC 11 and PC 15).⁶

The Commission supports the City's efforts in planning the development of homes affordable to lower income working families. The proposed zoning amendment in Newport Place will not only provide quality and affordable homes for the City's work force, but it will also build and contribute to a more economically competitive and opportunity rich community.

Please keep us informed of any upcoming meetings and additional information on the proposed Newport Place development. If you have any questions, feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,

Cesar Covarrubias

Executive Director

cc: Melinda Coy, State Department of Housing and Community Development

⁴ City of Newport Beach General Plan Housing Element, p. 5-54, November 2011.

⁵ City of Newport Beach Planning Commission Staff Report Agenda Item 2, p. 1, April 19, 2012.

⁶ Letter from California Housing and Community Development to City of Newport Beach, p. 1, December 2011.